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**HANSARD'S**  
**PARLIAMENTARY**  
**DEBATES:**

FORMING A CONTINUATION OF  
" THE PARLIAMENTARY HISTORY OF ENGLAND,  
FROM THE EARLIEST PERIOD TO THE  
YEAR 1803."

**Third Series;**  
COMMENCING WITH THE ACCESSION OF WILLIAM IV.

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V O L. VIII.

COMPRISING THE PERIOD FROM  
THE FIFTH DAY OF OCTOBER,  
TO  
THE TWENTIETH DAY OF OCTOBER, 1831.

*Fifth, and concluding, Volume of the Session.*



*Printed by T. C. HANSARD, Paternoster-Row,*

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*THIRD SERIES.*

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III. THE KING'S SPEECH.  
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BRITAIN AND IRELAND.

*For the year ended 5th January, 1831.*

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**BANKRUPTCY COURT BILL.**—An error has crept into the headings on this subject, in the pages 725 to 738; but the progress of the Bill will be found correctly described in the Table of Contents.

3436-c

# HANSARD'S Parliamentary Debates

*During the FIRST SESSION of the TENTH PARLIAMENT of  
the United Kingdom of GREAT BRITAIN and IRELAND,  
appointed to meet at Westminster,*

*14th June, 1831,*

*in the Second Year of the Reign of His Majesty*

**WILLIAM THE FOURTH.**

*Fifth Volume of the Session.*

HOUSE OF COMMONS,  
*Wednesday, October 5, 1831.*

**MINUTES.]** Billa. Read a third time; White Boy Offences. Committed; Arms (Ireland); Labourers' House Rent; Hospitals Registration (Ireland).

**Returns ordered.** On the Motion of Mr. O'CONNELL, of the quantity of Guernsey and Jersey Spirits imported into London since the 5th July, 1831:—On the Motion of Mr. HUMS, the Expenses of the Bankruptcy Courts about to be formed; and of the number and particulars of Petitions presented to the House of Commons.

**Petitions presented.** By Mr. O'CONNELL, from Raheen, for disbanding the Yeomanry (Ireland); from the Magistrates, Burgesses, and Protestant Freemen of Galway, to extend the Franchise of that place to the residents, without distinction of Religion; from the Catholic Inhabitants of St. Mary, Youghall, for the abolition of Tithes; from the Inhabitants of Cappoquin and Castledward, and Jewellers of Dublin, for the Repeal of the Union; from certain Individuals, against the present system of Insurance Companies. By Mr. R. GORDON, from the Minister, Churchwardens and Inhabitants of the Parish of Cannington, for a Repeal of the Beer Act. By Sir ROBERT BATESON, from the Mayor, Magistrates, Clergy, and other Inhabitants of Coleraine (Ireland), praying the continuance of the Grant to the Kildare Street Society.

**IRISH MAGISTRACY.]** Mr. O'Connell presented a Petition from four Labourers in the County of Cork, complaining of the conduct of certain Magistrates, and of the administration of Justice at the Petty Sessions (Ireland). He thought the petitioners made out so strong a case, that had it happened on this side of the Channel it would have produced more petitions than the case of the Deacles. The petitioners represented, that they were the tenants of a Mr. Macarthy, and that an infor-

mation was laid against them for feeding cattle upon their own land; for which offence they were brought before two Magistrates, one of whom was a curate of the Established Church, and fined 5*l.* and costs. The petitioners declared their intention to appeal against the order, when the Magistrates made them enter into recognizances, and seized their cattle for payment of the expenses, which they afterwards recovered, on account of the illegality of the proceeding. They were then charged with an assault upon a person of the name of Collins, put forward as the prosecutor, on which charge they were acquitted. They then wished to prosecute the informer Collins for perjury, but were baffled by a variety of legal expedients, and sustained great hardship and expense. These ill-used men had travelled 600 miles in search of justice, but obtained only injustice. They complained particularly of the partiality of the Magistrates. He believed that these statements were founded in fact, and as the conduct of two Magistrates were impugned, he wished to give his hon. and learned friend, the Solicitor General for Ireland, an opportunity to inquire into the facts.

Mr. Crampton said, he had seen the petition before, and had made some inquiries into the circumstances through a private channel, but without communicating with the Magistrates who were the



parties accused, and he was inclined to think, the petitioners were themselves much in fault as well as the man Collins, with whom they were at variance on a point of disputed possession. One of the petitioners had been found guilty of an assault upon that person, and it was from a sworn information relating to this assault that the petitioners desired to indict Collins for perjury. The Judge refused to try the cause, and sent it to the Sessions, and there the Grand Jury threw out the bill. He had reason to believe Collins was exonerated on the merits of the case itself, and not from any technical difficulty. From all his inquiries he had reason to believe that no case of corruption could be made out against the Magistrates.

Sir *Robert Bateson* was of opinion, that these petitions were brought in, night after night, for the particular purpose of traducing the conduct of the Irish Magistrates, and keeping up excitement. He believed on the whole, the laws were as justly administered as in this country, and he spoke as an Irish Magistrate.

Mr. *Hunt* said, one good effect was caused by these discussions. They made the law officers of the Crown inquire into the cases of alleged misconduct on the part of the Irish Magistrates. He should be happy if the same course was followed in this country.

Mr. *Estcourt* considered the insinuations of the hon. member for Preston most uncalled for. He had no doubt, if any case of oppression could be made out in England, however humble were the suffering parties, that the law officers of the Crown would promptly attend to it.

Petition laid on the Table.

Mr. *O'Connell* moved, that it should be printed. He thought he had some reason to complain that his statements had not been duly attended to. He had no doubt from the information of the attorney of the petitioners, that the facts could be distinctly proved. The report upon the face of it evidently shewed a neglect of duty on the part of the Magistrates.

Mr. *Blackney* said, the two statements, like those on most Irish questions, differed so completely, and were so much mixed up with partizanship, that there was great difficulty in deciding upon either of them. The great ground of complaint respecting the Irish magistracy was, that there were too many churchmen among them, he did

not believe they were personally corrupt, but he heard with great satisfaction there was to be some change in the system.

Mr. *Henry Grattan* said, so long as there were grievances to redress, he for one should make complaints; but what he wished at present to bring before the House was, the custom of giving blank summonses by many Irish Magistrates to persons who did by no means deserve such confidence. He had seen cases of great oppression growing out of this practice.

Sir *Francis Burdett* said, such a practice was evidently liable to abuse, and ought to be wholly put an end to. He fully believed, from several cases recently brought before the House, that a complete revision was required with respect to the constitution of the Irish magistracy.

Petition to be printed.

PROSECUTIONS ON ACCOUNT OF RELIGION.] Mr. *Hunt* presented a Petition, numerous signed by respectable persons, Inhabitants of the Metropolis, setting forth their disapprobation of Prosecutions on Account of uttering Religious Opinions, and praying that Mr. Taylor might be relieved from the very severe punishment he was suffering, which was contrary to justice and exceeded the sentence passed upon him.

Mr. *Hume* would seize every opportunity to declare his detestation of the laws under which this man suffered. The House deserved some censure for permitting such laws to be enforced. He did not mean by these remarks to express any particular anxiety relating to the individual who was the subject of the petition; but he would maintain, that every man had a right, which ought to be inviolable, to express his opinions upon religious questions, and, indeed, upon all other matters which were not at war with the principles of public morals. The country could not be said to be in possession of much liberty, when a man was liable to be punished, not for acts, but for opinions.

Lord *Althorp* thought, that the publication of all religious sentiments ought to be unrestrained and free, provided they did not militate against the peace and decency of society, or contradict the first principles of religion. As to remarks on the characters of public men, he desired there should be no restraint whatever on the publication of opinion; but this case was somewhat different. It operated against the principle on which the foundation of

public morals was laid. On the best consideration of Mr. Taylor's offence, he did not think it required the interference of Government.

Mr. O'Connell fully concurred with those who thought that plain and direct attacks upon the Christian religion ought to be prevented as much as possible, but the question was, whether they could be best prevented by contemptuous neglect or prosecution. He feared the latter could never put down opinion. In the case of Carlile, for instance, many persons began to look upon him as a martyr; and had not this man, Taylor, created a sort of party round himself to support and uphold him in his ribaldry? He lived on prosecution, which was a bounty on his trade, and the more he was prosecuted, the more he was encouraged. Feelings of sympathy, indulged towards a man supposed to be oppressed, operated upon people to such a degree that they became partial to his opinions, and thought them right, because they were convinced his oppressors were wrong. Nothing short of extirpation could put opinion down. He hoped to see the time when every Christian would feel himself so strongly armed in his own convictions, as not to require prosecution to support them.

Sir Robert Peel said, the unaffected detestation expressed by the hon. and learned Gentleman of the doctrines and conduct of Taylor, he was sure met with the full concurrence of the House. He had heard the hon. and learned Member's remarks with great satisfaction. He also agreed with him in thinking, that very great discretion ought to be exercised in instituting such prosecutions as that under which the person in question was suffering. He had successfully tried the experiment of non-prosecution, but it was extremely difficult to withstand the representations of good and religious men. As to the question which had been propounded by the hon. member for Middlesex, he believed few would agree with him that there should be unqualified impunity, or that all laws which bore upon the questions of religion and morals should be repealed. Why, what would be the result of such a state of things, but that people whose feelings were outraged, would resort to personal violence? He acknowledged it was difficult to lay down any precise rule, but he could never admit that every person might attack the first truths of Christian-

ity at their own discretion. Protection was principally required by the young and thoughtless; not that it could be harmed by the statement of facts, by calm reasoning, or by philosophical discussion, but by insult, burlesque, ridicule, and passionate appeals, such as this man Taylor was in the habit of using. He appeared in the costume of a clergyman, and did all he could to insult the feelings and principles of every man attached to the Christian religion.

Mr. Lamb observed, that the prosecution against Taylor had not been instituted by Government. Taylor was a person who had made the most horrid and disgusting attacks upon everything the people had been taught to venerate; for this he was prosecuted, and found guilty by a Jury—and this petition called upon the Government to interpose the prerogative of the Crown to defeat the verdict of a Jury, without any evidence to show that the verdict was contrary to law or fact. No man could suppose for an instant that Taylor was punished on account of free discussion. Nobody reprobated prosecutions more than he did for mere opinion, but was it not notorious that this man at his trial exhibited himself in the garb of a Christian minister, and outraged all decency by his conduct. Such a disgusting farce deserved punishment, for it never could be allowed to go forth to the public that the most atrocious blasphemy should enjoy impunity. Nothing certainly but strong cases could justify prosecution; but he believed this was a case of that kind, and that Mr. Taylor fully deserved the visitation he had met with.

Mr. Ruthven said, he fully agreed in the necessity of keeping discussion within the bounds of reason and decency, so as to afford equal protection to all persons. With regard to the particular case now before them, he believed it had excited a general horror throughout the country, and the only excuse that could be made for Mr. Taylor was insanity. He ought not to be allowed to go at large; neither ought he to be treated with undue severity, or confined to a particular prison, whose regulations bore very grievously upon him.

Mr. John Campbell said, it was utterly impossible that any Government could tolerate such a scandalous outrage as the conduct of this unhappy man presented. He had collected a multitude of people,

and in a public theatre burlesqued the most solemn rites of our religion, and had insulted all the feelings which the community most revered. It was absurd to suppose such a man excited sympathy.

Petition to lie on the Table.

Mr. *Hunt*, in moving that it should be printed, said, he did not mean to say anything in favour of Taylor, or attempt to justify his conduct. He had never read his writings, or heard him speak; but the complaint of the petitioners was, that the punishment exceeded the offence. He concurred with other hon. Members in thinking that they had better have their present laws, with all their faults, than to be exposed to the attacks of an infuriated rabble.

Mr. *Hume* wished to know what the noble Lord (Lord Althorp) meant by first principles of religion. He would find that the State in different parts of the empire tolerated Jews, Hindoos, Mahometans, and other sects, all of whom were as much opposed to the first principles of Christianity, as the person whose conduct was now before the House. Every person ought to be tolerated, whatever opinions he might entertain, provided he did not disturb the peace of society. It was allowed by the right hon. Baronet who had recently presided over the Home Department, that the laws on this subject ought to be enforced with great discretion, but unfortunately that was of no avail, for any individual, or self-constituted Society, might prosecute. One of two things, therefore, ought to take place; either the laws should be repealed, or some regulation should be made as to prosecuting for such offences. He never could tolerate a man being punished for publishing an honest opinion. He claimed to have that privilege himself, and he was willing to allow it to others.

Mr. *Trevor* begged very seriously to ask the hon. member for Middlesex, if he believed such doctrines as Mr. Taylor was convicted of preaching, had not a tendency to interrupt the peace of society? He differed from the hon. Member, and applauded the Society which had prosecuted this man, and were ready to undertake a duty which the Government declined. From the statement which the hon. Member had made, it might be presumed this person had been prosecuted for certain doctrinal points only, instead of

public blasphemy against the Holy Scriptures. He regretted that the hon. Member had put forth the opinions he had with the weight of his authority, and to correct them as far as he could was the motive why he had addressed the House.

Petition to be printed.

CALL OF THE HOUSE.] Lord *Ebrington* wished to know from the hon. and learned member for Kerry, whether it was his intention to enforce the Call of the House on Monday next.

Mr. *O'Connell* said, he felt it a duty he ought to perform, but as he had some doubts as to the propriety of causing general inconvenience on account of the Irish Reform Bill, he should propose that the Order be discharged.

Lord *Ebrington* said, that considering the condition of the country, he should feel it his duty to enforce the Call of the House, and he, therefore, gave notice he should do so on that day, in order that he might bring forward a motion upon the state of public affairs.

MONEY PAYMENT OF WAGES BILL.] Mr. *Littleton* moved that the Bill be now read a third time.

Mr. *Hume* felt himself bound in principle to oppose the third reading of this Bill. He never could consent to a law which would have the effect of fettering the hands of both masters and operatives, or that should prevent the one buying, and the other selling labour, on the best terms. He had hoped the day for these restrictions had gone by, and that we had grown so much wiser by experience, as to believe that no man could take such care of another's affairs as the individual himself. The main evil under which the commerce of the country had suffered, arose from the restrictions imposed by ignorant legislation, which prevented labour being bought and sold at the market price. The persons who had petitioned in favour of the Bill, he believed were unacquainted with its probable effects—he feared they would find, that instead of plenty of work and high wages, it would produce a monopoly in the hands of a few persons, who would grind the workmen down to the lowest degree of misery. The measure was injurious in policy, and mischievous to individuals; he, therefore, proposed, for the word “now” that the words “this day six months” be substituted.

Lord *Granville Somerset* said, that nothing had occurred since he had delivered his opinions on this Bill, to make him believe those opinions were erroneous. He still believed the Bill would operate injuriously to both masters and workmen, but after the discussions that had taken place, he did not expect to alter the opinions of the House; he would, therefore, content himself with recording his own.

Sir *Robert Bateson* said, he resided in the manufacturing district in the vicinity of Belfast, and he knew both masters and workmen were favourable to the principle of the Bill, and he also knew that many industrious workpeople had suffered very much by the Truck-system, in having damaged goods forced upon them. Its provisions might be obnoxious to the principles of political economy, but he was quite sure the present system required alteration.

The House divided on the Original Question: Ayes 61; Noes 4—Majority 57.

Bill read a third time and passed.

BANKRUPTCY COURT BILL — ADJOURNED DEBATE.] The Order of the Day for resuming the debate on the Second Reading of the Bankruptcy Court Bill read,

Sir *Charles Wetherell* complained, that there had been a partial distribution of some statements relating to the Bill; he had not received one, although he understood several of his learned friends had.

Mr. *Hume* said, there ought to be no mystery, whether this Bill would cost 25,000*l.* or 50,000*l.*; he wanted to know, whether the Commissioners were to be entitled to superannuations.

Mr. *John Williams* was sure, that 9,000*l.* would be saved by the plan, if there was any truth in figures.

Sir *Charles Wetherell* thought the honour of the Chancellor of the Exchequer concerned in this; they were about to establish a Court which was likely to cost 40,000*l.* per annum, and they had no knowledge of the materials.

The *Attorney General* said, there was nothing of mystery in his statement; he had distinctly stated the cost of the proposed and the present Court.

Mr. *John Williams* rose and said, that his hon. and learned friend, the member for Boroughbridge, upon the previous debate on this question, had made a very general, and therefore, in the opinion of many persons, a very successful attack

upon this Bill. With the moderation and care which were becoming to a subject of such very great importance, he (Mr. Williams) should embrace the objects of his learned friend's attack, in the order in which he took them, and he hoped that, when they were fully stated, as clear a case for the necessity of change and amendment would be made out, as any person could conceive. He should consider the subject as one which affected the administration of justice in an enlarged and most important sense. His learned friend (the member for Boroughbridge) had begun by stating, that he could not think of abolishing the whole system of these Courts, from the long continuance of it; and he reminded the House, with warmth and earnestness, that that system had very long received the patronage equally of Whig and Tory Chancellors. Such an argument would be equally good to justify the continuance of any system, however vicious or pernicious; and yet systems were not perpetual, but were often modified, or entirely changed, to meet the wants and opinions of society. But his learned friend had said, that he might be brought to consent to the modification of these Courts, though not to the abolition of them; for the system was good, his learned friend said, and by him should it be defended. Without any disrespect to any one person now concerned in the present transactions of the Courts—for he utterly disclaimed all personalities, and believed, that among the Commissioners there were many honourable and learned men—he was convinced, that the whole system was utterly bad, and that it required one entire and complete change. His learned friend had objected to the multiplication of places by the Bill, to the patronage it would give to the Lord Chancellor, to the pension to be paid to the retiring Chancellor; and, lastly, he objected to the Bill because he said, that no competent opinions had been pronounced in its favour. He (Mr. Williams) would first take one opinion of the learned Gentleman's in which they were equally agreed. His learned friend had said, that the question was one of the very highest importance, and of the greatest moment—that it was full of intricacy, and that points of legal decision were submitted to the present Commissioners of Bankrupt. Upon these points there could be no difference of opinion. He agreed with his

learned friend in all these points as facts, but in the inferences from them they totally differed. He would maintain, that in proportion as the questions of Bankruptcy were of importance, in the same proportion was it necessary to have a Court which was presided over, by Judges of great learning, and in the same proportion was it necessary to revise, to remodel, and to make a radical change in the whole system. To use the language of the Committee of 1818, in proportion to the importance of the subject, was the necessity, that there should be a complete change in the Courts, and in their practice. These Courts of Commissioners, it was well known, were sub-divided into fourteen, and these lists had not to defend them any analogies, with respect to any other Courts whatever in this kingdom. First as to the appointments of the Commissioners. It was notorious and past all contradiction, that if the present Lord Chancellor should appoint as a Commissioner of Bankruptcies, a gentleman of only one year's standing at the Bar, no man could with justice attack that appointment; because, as his learned friend had justly said, his predecessors, both Whig and Tory, had done the same thing. Was it decent to the mercantile people of England, that any young gentleman, of ever so great promise, but as yet of no performance, should sit in judgment upon a case, or upon a class of cases which were admitted to be of the greatest importance, both with respect to the very large sums they involved, and to the difficulties of understanding and deciding them? This alone was a state of things in contradiction to the establishment of any Court which possessed the respect of the country. Another peculiarity in these Courts was, that they were the only Courts now existing of which the Judges could at the same time be practising Barristers. There had been one example to strengthen this, but that very example had led to the destruction of the Welsh jurisdictions. He would now ask, how did the system work? Fourteen different lists of gentlemen were all acting independently of each other. In the superior Courts, by means of the conferences of the Judges in the House of Lords, by means of their being brought together in Courts of Appeal, a uniformity of decision was within the reach of every Court. Not so was it with respect to the Commissioners of Bankruptcies, for

fourteen independent Courts of Decision were sitting at the same time. Mr. Cullen had said, in his evidence, that, at the same time, the same Commission of Bankrupts had four matters under its consideration. One was, to choose the assignees, one the proof of the debts, one the proof of trading, and one he knew not what; but all tending to confound the judgment. And how were these Commissioners to be remunerated? Why, in a most peculiar manner, which gave them an interest in damaging and prejudicing the suitor, in order to pay the Judge. The interests and duties of these Judges were in direct opposition to each other. They were paid 20*s.* each, at every meeting, and therefore the greater were the number of meetings the greater was the pay of the Judge, and the greater number of meetings the greater was the delay in the division of the funds, and the greater in every respect were the injuries to the suitors. It was impossible for these gentlemen, in many cases, to entertain an opinion that was not thwarted by their interests. It was the same with respect to the solicitors and the messengers—the interest of all was, to delay the division of the funds, the early division of which was the very object of the Bankrupt-laws. The Commissioners might be all honourable men; “so are they all honourable men;” but that was no reason whatever why they should be placed in such a situation that they could not do their duty but at the expense of their own interest. It was too much that such a system should be allowed to remain in opposition to all principles, and in defiance of every analogy with other Courts. If a gentleman of great talents, industry, and acquirements, received his early appointment of Commissioner, what was the consequence? The very moment at which he arrived at any proficiency to perform his duty as a Judge, the remuneration of a Judge for it averaged only 400*l.* a-year, became too contemptible for him to attend to the duties of his office, and he would be found practising in Westminster-hall, or at Lincoln's-Inn, to the desertion of his duties in Basinghall-street. This fact was within the knowledge of every man, and it was impossible to deny it. From a jurisdiction so prone to error—from a depository of errors like this—it would be conceded that there ought to be some mode of readily correcting what it did. Was this the case? It was his duty to state, that

the only appeal from the Commissioners of Bankruptcies was one, of all others, the most full of delays, the most overloaded with expenses, and more calculated to defeat all the ends of justice and objects of appeal, than any other known to the laws. It was a mere combination of every objection which could exist against the revision of a case. He was speaking of the appeal from the Commissioners of Bankruptcy to the Court of Chancery. First, was that appeal attended with delay? Look at the evidence given on the subject. Mr. Hamilton had said, that he had felt the inconvenience to his clients of an appeal to the Court of Chancery, most particularly when the appeal was from the Bankruptcy Court. Before the petition of appeal could be heard, the mischief to be provided against was very frequently committed, and past all remedy. Most cases of bankruptcy required a speedy decision, and yet in the Bankruptcy Court, in Basinghall-street, the business was worse conducted than in the most petty Court in the kingdom; and if the Court in Basinghall-street were absolutely abolished, and a Court like the Insolvent Court were to be established in its stead, it would be a great advantage to the public. The object for which the Bankrupt Court was established was lost. Such had been the evidence of Mr. Hamilton, and now let the House hear what had been the evidence of the Chief Baron upon the subject of the expenses. The late Lord Chief Baron of the Court of Exchequer, Sir James Alexander, had said, that there was a large expense incurred in the first instance. He had taxed a great number of bills, and the large expense arose principally from the number of affidavits, which contradicted each other as to the facts, and if there was any doubt as to the facts, the Chancellor sent the case to an issue before a Jury. One of the Commissioners of Bankruptcy, Mr. Greig, had written a pamphlet on the subject, from which he would read an extract. Mr. Greig said, that these difficulties had long been a subject of complaint. The uncertainty of such evidence, the conflicting nature of the affidavits, very often rendered a Commission of Bankruptcy a matter of great expense, and the matter generally at issue was on occasions where a Jury must decide the facts. This was a costly, a dilatory, and unsatisfactory mode of coming to a decision. Now he (Mr. Williams) would come to the subject

of expense. Mr. Penson, Secretary of Bankrupts under Lord Eldon, had afforded a conjecture of the immeasurable, and of the almost inconceivable expenses, utterly wasted and thrown away upon those affidavits, which were filed for no purpose except that the suitor might have the satisfaction of knowing that he must have to pay 1,000*l.* or 1,500*l.* for no purpose upon earth. Mr. Penson further stated, that in the bankruptcy of Messrs. Howard and Gibbs, the affidavits alone amounted to 1,500 folios, and as eight folios went to one brief-sheet, there were about 190 brief-sheets, at 3*s.* 4*d.* a sheet, which, with the expenses of preparing the brief, would amount to 50*l.*; and as in this case there were five counsel on each side, the solicitors would have to charge this 50*l.* five times over, or 250*l.* The other side would have the same expense, so that the amount would be 500*l.* This afforded one idea of the length, breadth, and delay of costs, of a Chancery appeal. In this one case 1,000*l.* had been spent on the bare materials for the wordy warfare. Then came the refreshers, so that infinitely more than 1,000*l.* would be spent; and this was by no means an extraordinary case. Mr. Penson had said, that in several cases the expenses of the affidavits had amounted to 1,000 folios. In another cause eight counsel had been employed, and each had been heard at great length. And what did all this end in?—it ended, as the Lord Chief Baron had informed the House, in an inquiry, where, as Mr. Greig very truly said, it ought to have begun—it ended in an issue to try the facts, which rendered all the affidavits useless. He never knew a case where a man had been in the Court of Chancery with any profitable result, and the case subsequently went to a Jury, that he did not throw aside all his Chancery affidavits, and resort to the evidence of other witnesses. The Lord Chancellor, in fact, always said, that where a doubt existed, he should send the point to issue; and how, he would ask, could a case be without a doubt, in which there were 1,500 folios of affidavits? This insufficient and costly appeal, then, was the only correction that existed to the proceedings of the worst constituted Court in England. Would any man of principle undertake to say, that in a country priding itself upon its jurisprudence, such a system could be tolerated for a moment? and if his learned friend replied, that Englishmen

had tolerated this, he should then reply, that that was not enough to satisfy any honourable mind that such a nuisance ought not to be removed. His hon. and learned friend opposite (Sir C. Wetherell) who spoke against this Bill, said, that no opinion had ever been pronounced in favour of the Court now proposed to be established by the gentlemen examined before the Chancery commission. It would be marvellous if they had pronounced such an opinion, for the Court had no existence even in embryo until the beginning of this year. If such an opinion had been pronounced, it would have been anticipatively, prospectively, and prophetically—to borrow the language of his hon. and learned friend. But did his hon. and learned friend mean to say, that the necessity of something like it had not long been acknowledged? In 1718, upwards of a century ago, there had been a petition from the city of London, complaining that the operation of the Bankrupt-laws was such, that the estate of the bankrupt was consumed in litigation. In 1783, Sir James Burgess put forth a series of reasons against the existing power of the Court of Chancery; and in his learned pamphlet, Mr. Basil Montagu had printed a bill for the remedy of the abuses he complained of, in the same form as Sir James Burgess drew it. That bill contained a provision for a permanent Court, and proposed a remedy for some of the grievances which suitors at present sustained in their appeal to the Lord Chancellor. Again, in the year 1811 there were petitions from the sister kingdom, from Dublin, Waterford, Cork, Belfast, and other trading and commercial places, complaining of the administration of the Bankrupt-laws, and of the manner in which the Courts were formed. In consequence of the general complaints which were made of the existing law, a bill was introduced into Parliament in the course of the year 1811, but for some reason or other, with which he was not acquainted, it was not followed up; that bill, however, contained a provision for the establishment of a permanent Court to dispose of all legal matters in bankruptcy. Then came the Committee of 1817, before which the most eminent legal authorities, Sir Samuel Romilly, Cullen, and others, were examined, and all concurred in stating, that nothing could be more iniquitous than the existing mode of administering the Bankrupt-laws. These things

spoke loudly against the existing system, and called imperatively for a radical change in the constitution and administration of these laws. But this was not all. The very cause of this Bill, the very ground of its being brought before Parliament, was the requisition of a numerous body of bankers and merchants of the City of London, assembled last spring, complaining of the manner in which the Bankrupt-laws were administered, and praying for a change. It was that requisition which suggested and became the immediate foundation of the Bill which his noble and learned friend introduced into the other House, which had received the sanction of that House, and which was now in the course of discussion before that House. The necessity for the introduction of some measure to amend the Bankrupt-laws, must be obvious to every one after the repeated and continued complaints which had been made against the existing laws, from the commencement of the last century down to the very day and hour that this measure was introduced. What did the hon. and learned member for Boroughbridge mean by saying to him, or to any of the supporters of this measure, that it was unnecessary—that it was uncalled for—that it had been introduced in mere wantonness of legislation? Did the hon. Member mean to say that, in the opinions of commercial men, as well as in the judgment of the most eminent of those to whom the administration of the existing Bankrupt-laws had been intrusted, that change was not required? All that he (Mr. J. Williams), could do was, to satisfy any man that, for more than a century past, the attention of the public had been continually called to the grievances of the present system. He had done that, and laboured to shew, that the present system was ill-constructed and worked ill, for this plain and obvious reason,—that in proportion as the questions of bankruptcy were of importance, in the same proportion was it necessary to have a Court which was distinguished by Judges of great learning, and in the same proportion was it necessary to revise, to remodel, and to make a radical change in the whole system. To use the language of the Committee of 1818, in proportion to the importance of the subject, was the necessity that there should be a complete change in the Courts and in their practice. The noble Marquis, the member for Buckinghamshire, said



that he was anxious to see the details of this Bill, in order that he might form a judgment of what their probable effect would be. He wished to God the noble Marquis were present now, impartially to determine whether the Commissioners should remain as they were, or whether this plan, or something like it, should be substituted. He would allude to those points upon which the present Bill got rid of many of the great and long-lived abuses which had hitherto disgraced this branch of our law. His hon. and learned friend, however, who he was glad to see was at that moment resuming his seat, had asserted that the present Bill would beget a multiplication of appeals. In the first place, said he, there is an appeal from the decision of the one Commissioner to the Subdivision Court. Upon that point, his hon. and learned friend was mistaken—there was no such appeal. The manner in which that part of the Bill was to operate was this:—If the single Commissioner, whose duties were limited, had any doubt upon his mind upon any point, either of law or of fact, which might arise before him, instead of appealing to the Subdivision Court, he called in the aid of some of his brother Commissioners, and, with their assistance, determined the question at once. Nothing, in his opinion, could be a more judicious or convenient mode of settling preliminary difficulties. Still it was said, you have no end to appeal, because from the decision, whether of the one or of the three Commissioners of the Subdivision Court, you have an appeal to the Court of Review. It was for this that he praised this Bill, because it substituted a summary mode of proceeding, which would operate cheaply and quickly, for the long, and tedious, and ruinous system which had hitherto prevailed. By one of the provisions of the Bill, the Judges of the Court of Review were empowered to form rules for the practice of that Court and of the Subdivision Court. Now supposing one of the rules to be, that the Commissioners singly, or formed into a Subdivision Court, should have a shorthand writer to take down all these decisions, or perhaps take notes of all that passed before them, or, if it be deemed better, that the Commissioner should take notes of the evidence adduced before him, in the same manner as the Judge in the Superior Courts—what would be the consequence? Why, that within four-and-

twenty hours after a doubt might have arisen in the minds of any of the Commissioners in the Subdivision Court, the opinion of the Judges of the Court of Review might be obtained upon it. Could any reasonable man doubt the advantages of such a system of appeal over one which, attended with ruinous expenses, also kept the parties in suspense and doubt, not only for weeks and months, but for years? The next appeal was to the Lord Chancellor; but it would be upon matter of law only; because the Court of Review, if a doubt or a difficulty arose upon a point of fact, were empowered to direct an issue, as Mr. Greig wisely said, at first instead of at last. Then his hon. and learned friend had assumed, but assumed under a mistake, that there was to be an appeal from the decision of the Lord Chancellor to the House of Lords. If the parties chose to take the appeal to the House of Lords at once, instead of to the Lord Chancellor, they would be at liberty to do so; but if they appealed to the Lord Chancellor, they would not afterwards be at liberty to appeal to the House of Lords. At present, according to the evidence given before the Chancery Commission, it appeared that the number of bankrupts' petitions carried before the Lord Chancellor, did not, on the average, amount to less than 700 a year. Thus, according to the testimony of Mr. Lee, a most competent witness, was one-third of the time of the Lord Chancellor occupied in the disposal of business which did not properly belong to the Court of Chancery. The costs attendant upon these 700 appeals to the Lord Chancellor, according to the sample which he had given, would amount to 700,000*l.*; but suppose they were to take it at one-fifth of that sum, and say that the costs amounted to 140,000*l.*, which was a moderate calculation—even then, ought they to reject any measure which had for its object the cutting away of so odious a system? If fit and proper Judges were appointed to the Court of Review, he would venture to say, that the appeals to the Lord Chancellor would hereafter be few indeed. Mr. Hamilton, and Mr. Basil Montagu, who had had more practice before the Commissioners of Bankrupts than any other man now living—as well as many other authorities of the highest eminence, all concurred in stating, that a worse tribunal could not by possibility exist than a Court of Commissioners

of Bankrupts. The late Chief Baron, Sir William Alexander, stated in his evidence before the Commission, that a Court could be so constituted to determine matters in bankruptcy, as to render an appeal to the Lord Chancellor unnecessary. His (Mr. J. Williams's) object, however, at present was, to shew that the appeals would be few, if a proper Court were established to hear bankrupt cases in the first instance. Upon this point he would quote the evidence of a Mr. Harris, a solicitor at Bristol, a man of great respectability, and in very extensive practice, and who spoke very sensibly upon the subject. Having alluded to the establishment of a Bankrupt Court, he said—'My opinion is, 'that appeals from such a Court would 'only originate where there was a manifest 'error in the decision of the Judge, or in 'the case of extremely litigious suitors.' Mr. Harris was then asked, whether he did not think that the parties would be anxious to go to a higher Court of appeal. He said, 'Not generally, I should think, except where the suitors are litigious, or the 'attorney employed—as unfortunately, 'there are but too many—is of a low, 'pettifogging character. Where respectable persons are employed, I do not think 'that there would be many appeals.' Such was the evidence of Mr. Harris, and he perfectly concurred with him in all the opinions which he had expressed. He was satisfied that if the Court of Review were established, they should hear no more of 700 bankrupt petitions being annually carried before the Lord Chancellor. There was one other point upon which this Bill had his most sincere and hearty concurrence, knowing by a pretty long experience how much such a provision was required. He alluded to the appointment of the official assignee, whose duty it would be to secure the property of the bankrupt; and, what was more material, to render it immediately productive, by vesting it in the public funds. He was well aware that the last Bankrupt Act provided, under penalties, that the assignee should place in the hands of some banker the outstanding debts of a bankrupt, as he should collect them. It often happened, however, that the assignee, although, to all appearance, a man of substance and of property, was, in point of fact, in very doubtful and precarious circumstances. It was an old and a true adage that a drowning man would catch at a straw. It had, in many

instances, been exemplified in the cases of assignees of bankrupts. Themselves in an insolvent state, they had been unable to resist the temptation of employing the funds, which had come into their hands from the bankrupt's estate; but eventually failing, the other creditors had lost everything. Therefore, it had been thought, that the best mode of applying sums derived from bankrupt estates, would be to compel the official assignee to vest them immediately in the public funds. Moreover, to guard against any danger of loss from the insolvency of the assignee, it was provided, that he should not be allowed to undertake the duties of the office, unless he gave security for the full amount of the sums which might be likely to pass through his hands. So that the danger which now attended the appointment of assignee was effectually provided for, as well as the immediate and beneficial application of whatever assets might be derived from the estate. He would now say a few words upon the pounds, shillings, and pence part of this Bill, about which the hon. and learned member for Boroughbridge had said so much. Was it really so extravagant and profligate a measure as he had described it to be? In the first place, there was, in the Court of Chancery, a fund of ominous name—a name, by-the-bye, which it well deserved—the Dead Fund, from which, after paying the Masters in Chancery, the Vice-Chancellor, and the other officers of the Court of Chancery, there remained a clear surplus of 27,000*l.* a-year free, to be disposed of in any manner that the Lord Chancellor might think fit. The whole expense of the new establishment, according to the statement of the hon. and learned member for Boroughbridge, which was somewhat exaggerated, would amount to 29,200*l.* a year; to meet this expense, the Dead Fund, if it were necessary, would be applicable, and thus an expense of little more than 2,000*l.* a year would be thrown upon the public. But it was proposed to raise a sum equal to the whole expenditure of the Court by a tax upon the suitors, without calling for any portion of the consolidated or other funds of the country. Upon a reasonable and very moderate calculation, the fees paid by the suitors in the new Court would amount to 34,500*l.* a-year—that was to say, upwards of 4,000*l.* a year beyond the estimated expense of the Court itself;—so that, in point of fact,

this Court would cost the country nothing. But when expense was talked of, they ought to consider for a moment what was the expense of the present unsatisfactory system of administering the Bankrupt-laws,—it was 71,189*l.* a-year—so that, upon the score of saving expense alone, there was a balance in favour of the Court proposed to be established by this Bill, of no less than 41,989*l.* a-year. But he was defrauding the Bill of its merits when he descended to these particulars. As his hon. friend, the member for Westminster, too, had well observed, in providing for the proper administration of justice, every pound of expense was not of importance, and should, in fact, be regarded only in a secondary point of view. For this measure, however, he might with truth assert, that in all its parts, in all its operations, it might, without any additional expense, be brought into use for the benefit of the public. But, supposing that this were not the case—supposing that it were necessary to call upon the Consolidated Fund for 10,000*l.* or 20,000*l.* a-year, what would that be, compared with the needless sums which, under the existing system, were annually expended in the Court of Chancery. He now came to another point, upon which his hon. and learned friend attracted much attention; he alluded to the patronage which it was contended the Lord Chancellor would gain by this Bill. The House was probably aware, that the Lord Chancellor at present was paid but 5,000*l.* a-year from the Consolidated Fund—that, undoubtedly, was a public charge. Then he received from 6,000*l.* to 7,000*l.* a-year upon fees, and 4,000*l.* a-year from the House of Lords, with which they had nothing to do. Now, in the first place, upon the subject of fees. Ever since he had had a seat in that House—ever since he had read anything upon the subject—he had always understood it to be matter of complaint that any Judge should be paid by fees arising from his own Court. At the present time, therefore, in conformity with all that had been said and written upon the subject, it was intended to abolish that part of his emolument which the Lord Chancellor derived from fees, and to substitute another fund from which, by less objectionable means, he might obtain a sum equal to that which he had hitherto derived from fees, and from the Consolidated Fund; so that, for the future, neither the suitors of the Court,

nor the country generally, would have to bear any part of the expense of supporting a Lord Chancellor. The manner in which this was proposed to be effected was, to take from the Dead Fund, which was no man's property, a sum of 12,000*l.* annually, in lieu of the fees and of the 5,000*l.* hitherto paid from the Consolidated Fund. He now came to the 2,000*l.* a-year which it was proposed to add to the Lord Chancellor's retiring pension. His hon. and learned friend, the member for Boroughbridge, said that he gave no opinion upon that subject. There certainly could be no ground for objecting to it. Every man who had any acquaintance with the Court of Chancery must be aware, that many serious changes to the prejudice of the Lord Chancellor had been effected by this Bill, and other regulations made which rendered it fit and proper that the amount of his retiring pension should be reconsidered. He who supposed that the people of England were niggard in rewarding those who faithfully discharged high, and responsible, and laborious duties, was mistaken. They were at all times ready and willing that such persons should be amply paid. He wished it to be understood that he had had no communication whatever with the noble and learned Lord who now presided in the Court of Chancery, upon the subject of this Bill—but, at the same time, he must do him justice, and must be allowed to say, that, if ever man deserved well of his country, it was my Lord Brougham, who, by exertions almost superhuman, had got rid of the immense arrear of business which had hitherto been the curse of the Court of Chancery. There was one topic more, and one topic only, to which his hon. and learned friend had adverted, and upon which he would say a few words. His hon. and learned friend had contended that this Bill was framed, as it would appear, almost for the express purpose of creating patronage to the Lord Chancellor. Those gentlemen little understood the profession of the law who supposed that the greater the value of the situation to be given away, the more desirable was the patronage to the person who had the disposal of it. A very little examination must serve to convince any one that it was not in the power of the Lord Chancellor, without incurring the indignation of the public, to make anything like a jobbing, irregular, or sinister appointment to any important judicial

would remind the House, that there were twelve Masters in Chancery, who were fully paid, and not too fully employed; but they had a good deal to do in references made to them in bankruptcy matters, which references they were able most satisfactorily to dispose of, and they might dispose of a great deal more. There was the Vice-Chancellor, too, a Judge who was appointed for the particular purpose of assisting the Lord Chancellor in bankruptcy cases. The present Vice-Chancellor had, during his sittings, devoted thirty-five days to the hearing of bankruptcy cases, and in that period entirely disposed of the whole of them. He had left no arrears in bankruptcy, for, although there were a few cases still set down before him, they could not be called arrears, as they had not been on the paper four months, because he had devoted his holidays to the hearing of bankruptcy cases, and had got through all but those of later growth. This showed that the Vice-Chancellor was fully competent to do the business. The proposition then in support of the present Bill was this—the jurisdiction of the Vice-Chancellor, who had time and ability to do the business in bankruptcy, was to be taken away, and a new Court was to be established, and paid for out of the public money—out of the “Dead Fund,” as it was called, and the Lord Chancellor was to retain the whole of his 7,000*l.* a-year, without allowing out of it, as Lord Eldon used to do, 2,500*l.* to the Vice-Chancellor, in part of his salary for assisting him. There happened to be no arrears of bankruptcy cases in the Court of Chancery in consequence of the extraordinary exertions of the Vice-Chancellor, who had been able to get rid of all the arrears, and to keep down the number of causes. The Lord Chancellor now said, that the duty should not be performed in this way, but that he would receive the fees, and cease to pay 2,500*l.* to the Vice-Chancellor for the hearing of bankrupt petitions. He did not believe that the present Lord Chancellor had devoted more than eight or nine days to bankrupt cases. The whole of the jurisdiction of bankrupt cases was undoubtedly in the Keeper of the Great Seal for the time being. At present, all the expense of this part of the administration of the law was defrayed out of the fees paid by the suitors in this Court: but it was proposed, that the expenses of the new Court should be paid by the public,

out of what was called the Dead Fund. The income of the Lord Chancellor would be increased very considerably by this Bill. At present, the fees paid in the Court of Chancery on bankrupt cases amounted to rather more than 7,000*l.* a-year, of which the Lord Chancellor received only 5,000*l.* as he had to pay the Vice-Chancellor 2,500*l.* a-year out of the fund arising from that source. This new Court was to hear all the appeals in bankruptcy now heard by the Vice-Chancellor, although the appeal still remained to the Lord Chancellor. He presumed, under these circumstances, the Lord Chancellor would cease to pay the 2,500*l.* now received by the Vice-Chancellor out of the bankrupt fees. He had not made any personal attack upon the Lord Chancellor in the observations he had thought it necessary to make upon the manner in which the business of the Court of Chancery was performed. Nothing he could say would have the effect of lessening that distinguished individual in public estimation; for, however much they might differ in opinion, it was impossible for any one to withhold a tribute of respect to his distinguished talents. The average salary of Lord Lyndhurst during the three years that he held the Great Seal, amounted to 12,771*l.*, and out of this he had to pay the Vice-Chancellor 2,500*l.* a-year. This left 10,271*l.*, which was the whole sum he received as Keeper of the Great Seal; but he also received in addition a salary of 4,000*l.* as Speaker of the House of Lords: this made a total of 14,271*l.* But if the present Bill should pass into a law, the Lord Chancellor would have 18,000*l.* a-year, as it was not to be expected that he would continue to pay 2,500*l.* a-year to the Vice-Chancellor. A Committee of that House had recommended that the salary of the Lord Chancellor should not exceed 14,000*l.* a-year. The noble and learned Lord, the author of this Bill, computed the income of the Lord Chancellor at 15,000*l.* a-year, but he (Sir E. Sugden) was prepared to shew that it would amount to considerably more than 18,000*l.* and this great increase of salary over that received by his predecessors would be attended with a diminution of duties. He was ready to admit, that the present Lord Chancellor had devoted a larger portion of his time than his predecessors to sitting in Court, but he doubted whether the public had gained materially by it. At any rate, there was no reason to justify the increase

of the Lord Chancellor's salary to such an enormous amount as 18,000*l.*, and at the same time divesting the Vice-Chancellor of 2,500*l.* a-year. In addition to this, it should also be recollected, that, by this Bill, the Lord Chancellor saved the charge of the salary for the Secretary of Bankrupts. But the office of Patentee of Bankrupts was to be abolished. This office was now held by Mr. Thurlow, and Mr. Scott, a son of Lord Eldon, had a reversion in it. It had been asserted, that the Lord Chancellor made a great sacrifice by abolishing this office; but how could this be, as he would not have an appointment to this place until after the death of Mr. Thurlow and Mr. Scott, and it was not likely that a vacancy would occur while the noble and learned Lord held the Great Seal. As so much credit was claimed for the abolition of these sinecure offices, he would remind hon. and learned Gentlemen, that there were many sinecure offices attached to the Court of Chancery, which were not to be abolished. Out of some of these, certain portions of the fees were annually paid, the amount of which was not exactly known, but which would go to increase the 18,000*l.* a-year. In addition to this great augmentation of salary, this Bill would confer on the Lord Chancellor an extent of patronage greater than any his predecessors ever enjoyed. However, he did not believe that the Lord Chancellor would have the official appointment to the places under the new Bill. He was convinced, from the very constitution of this Court, that it would be made a political engine. He was satisfied that a more unwise act had not been committed since the dismissal of the late Lord Chancellor of Ireland, for the purpose of appointing a noble Lord to preside in that Court, or of a more decided political bias. He could not see the shadow of a reason for cutting down the salary of the Vice-Chancellor to the extent of 2,500*l.* a-year, when such a material increase was to be made to the income of Lord Chancellor Brougham. The noble Earl at the head of the Administration had said, that he was satisfied he had made a very good bargain, but the Lord Chancellor had certainly made a better bargain. But these were not the grounds which should actuate public men. The present Chancellor had already had a considerable share of patronage considering the short time that he had been in office. No less than

six vacancies in the Commissionerships of Bankrupts had been filled up. Lord Lyndhurst told each of the Gentlemen whom he made a Commissioner of Bankrupts, that he must not expect any compensation if a change should be made in the Bankrupt Court, and the office of Commissioner abolished. Lord Brougham made no such limitation, but appointed gentlemen to these offices, without any understanding as to their not having retiring salaries. These Commissioners were to be paid 14,000*l.* a-year for retiring salaries, when there existed not the least necessity that they should retire. But, independent of the patronage of the appointment to these lucrative offices, which were more than fifty in number, was the House aware that the appointments were to be made, and the salaries to commence immediately on the passing of this Bill, although the duties of these Judges and other officers, were not to commence until some time after the beginning of the new year? The noble Lord opposite said, that the days of patronage had gone by; but could a proposition of this nature be designated in any other way than as gross patronage and jobbing? He would read the last clause of this Bill, which would render the nature of his objection obvious. 'And be it enacted, that this Act shall commence, and take effect from and after the passing thereof, as to the appointment of the Judges and other officers hereby authorised, and as to all other matters and things, from and after the 11th day of January next.' From this it appeared that these gentlemen would receive their salaries from the day of their appointment, which would take place immediately, although the Bill did not come into operation until the 11th of January. What a large sum would the salaries of the Judges, Registrars, and other officers of this Court amount to, which must be paid by the public, until the duties of their office commenced! What an opportunity had the Lord Chancellor to give a portion of the bankruptcy business to the Masters in Chancery! for nobody would say that they were now overburdened with the duties they had to perform; but then, if this were done, the fees which would be paid under the new system would go to other persons. The Chief Justice of this new Court was to have 3,000*l.* a-year, and the three Puisne Judges 2,500*l.* a-year each. These Judges would have little or nothing

to do for their large salaries. Such was the impression on the minds of others. A few nights ago his hon. and learned friend said, with some degree of exultation, that one of the most learned of the common-law Judges had consented to fill the office of Lord Chief Justice of this new Court. No man could entertain a higher degree of respect for this learned Judge than himself, and every man would admit his claims as a person of eminent talent, extensive legal knowledge, and great industry. It should not be forgotten, however, that this learned Judge retired from the Court of King's Bench to the comparative ease and quietness of the Exchequer, as he found the duties of the former Court too onerous for his advanced years. Since the appointment, however, of Lord Lyndhurst to the Chief Justiceship of the Court of Exchequer, and the throwing open the Court, there had been such an influx of business, that it could no longer be called the seat of ease. The learned Judge, then, to whom he had alluded, was to be appointed to the Chief Justiceship of this Court, and, if the business of this office were great or burthensome, it was not very likely that he would accept it. This salary, however, of 3,000*l.* a-year, with comparatively nothing to do, could not but prove to be very agreeable. The four Judges of this Court would have to hear the bankruptcy petitions, and to try issues on points of that nature. The Vice-Chancellor heard all the bankruptcy petitions in thirty-five days, and it was not very probable that it would take these Judges a longer time than that, for there would not be more petitions to hear than the Vice-Chancellor heard, as that learned Judge heard all that there were. Again, on the average of a number of years, there were not twelve issues on questions of bankruptcy tried in our common-law Courts. The Court, also, from its constitution, would become stagnant, and decline in public estimation; and, in consequence of the smallness of the business, the legal knowledge of the Judge would diminish, and might become obsolete; and the professional character of the practitioners in it would not be of the highest order. He admitted that the bankruptcy system required alteration, but he objected to the proposed new jurisdiction as inexpedient and inefficient. It was establishing an inferior jurisdiction in the place of one of high importance, and it could have no beneficial operation, but, on

the contrary, it would dwindle into insignificance, and be productive of mischief. The great protection which a trader now had against his being unjustly made a bankrupt, consisted in his right to try, by an action at law, the validity of the commission which had been sued out against him. For the trial of such actions no tribunal was more fit, or so fit, as the superior Courts of common-law. He should be sorry to see their important functions delegated to the new Court, which would prove to be as unsatisfactory as it was unnecessary. He would not be understood to advocate the existing administration of the law in bankruptcy, because he disapproved of the mode in which it was intended, by the present Bill, to alter it. Why make a complete change in the machinery of the Court? If it was necessary, were there not Masters in Chancery to whom matters of this nature could be referred? Were there not the present Commissioners, some of whom were amongst the most able men in the profession? Had they not a Vice-Chancellor as a Judge of Appeal, instead of referring every question to the Lord Chancellor? And, also the fifteen common-law Judges for the trial of issues? Why was it necessary to constitute this new Court with such expensive and complicated machinery? No man was more pledged to the improvement of the law than he was, and, when he left office, he explained to the House, in a long speech, the alterations and amendments which it was proposed by the late Administration to make in the law, and the House would recollect that the important subject of bankruptcy was not omitted in the detail he then made. The object he intended to effect was, in the main, that which was sought by the present Bill; but he proposed to attain it in a very different manner. He never contemplated the severing the jurisdiction in bankruptcy from the Great Seal, but to reduce the number of the Commissioners, and to place the duties at present discharged by the seventy in the hands of perhaps twenty; to retain the valuable assistance of the Masters in Chancery, and to make still greater use of it, in order to relieve the Court, and decrease the number of appeals, and, above all, not to part with the privilege of trying actions in the superior Courts. The change which he contemplated might have been effected without expense, and without any such increase of patronage as

the present Bill proposed. He never contemplated the forming a new Court, with a Chief Justice and Puisne Judges, Commissioners and Registrars, at salaries amounting to 26,000*l.* a-year. It must be universally admitted, that a more opportune moment for the passing of this Bill could not occur than the present time, for the attention of the public was so strongly directed to other topics, that hardly any regard had been paid to this Bill. It ought to have been brought in and left over until next Session, when time would have been allowed for its consideration by the country, instead of its being hurried in the way in which it had been. Again, it was most objectionable to deprive the creditors of the care of the property of the bankrupt, and to place it under the control of official assignees. The Lord Chancellor was afraid, however, that the creditors might neglect their own interests; for he said, "We must not let the unfortunate creditors place confidence in one of their own body, for there is a chance that he may deceive them; let us, therefore, take charge of the estate." Accordingly, the Government were to appoint thirty persons to perform this duty of official assignees. He had thought that everybody had agreed that it was desirable to leave the management of a man's affairs in his own hands, and the same rule should apply to the creditors in a case of bankruptcy. He was ready to admit, that great frauds and abuses were committed by persons acting as assignees; but this could have been prevented without establishing this machinery. Why not allow the Lord Chancellor or the Commissioners of Bankrupts to remove assignees in case of the non-performance of their duty; and why not modify the law, so as to render the punishment in cases of fraud more certain and expeditious? This part of the Bill would lead to the greatest abuses, and would produce much mischief. He objected to the Government interfering in any case in which the property of individuals was at stake—of course, he exempted the property of minors and lunatics—or of preventing any disposition that a man chose to make of his own. He had always regarded this as one of the chief blemishes of the French law. There was hardly any mode in which a gentleman of England could not dispose of his property. There was no mode of dividing it among his family

which he could not avail himself of. The French law, however, on the death of a parent, directed—with the exception of one share—an equal division among the younger children, and a double portion to the eldest son. This was most objectionable, and, even if for no other reason, a father ought to have the power of protecting himself against a prodigal son. An extreme case like that of Mr. Thellusson—where a father left all his property from his family, unless at the end of a certain time a heir-male should be alive—could be no justification of such a rule as was laid down in the French law. But to return to the subject immediately before the House. He contended that it was against the very principle of the law of England, to adopt the course now laid down in this Bill, relative to the appointment of official assignees. Because the assignees appointed by the creditors sometimes violated their trust, it was proposed to take from the creditors the management of the property of their debtor, in which they must feel great interest, and give it to assignees to be appointed by the Lord Chancellor. Then it was obvious, that these thirty official assignees would have enormous salaries in fees, for they were to receive five per cent on the money collected out of the bankrupt's estate. This might appear a small sum, but when the estate was large, the money that would accrue would be enormous. He remembered a case of the bankruptcy of a Mr. Powell, where the debts collected amounted to 780,000*l.* Now if, when this Bill comes into operation, any merchant should fail for such a large sum as that, any one of these assignees would come in for upwards of 30,000*l.* He was so convinced, that the remuneration of the official assignees would be enormous, that he was inclined to request his hon. and learned friend, if his praises of the Lord Chancellor should gain for him, as they ought, the favour of his Lordship, to exercise a little of his influence in favour of him (Sir Edward Sugden), for he should like of all things to lay down his more laborious occupation, and take up for the rest of his days with the post of official assignee. One of these thirty official assignees was to be tacked to every existing commission, and the existing assignees were to pay over the money to him. This was an insult to men of character, respectability, and education, which they



would not bear. Could it be expected that an honest assignee—a man of justice and integrity—a creditor, who had been appointed under an Act of Parliament—would relish being turned out of his office in this manner, and being obliged to hand over every single shilling he had received? But to what restrictions were these official assignees to be subject? In the first place, good security would be required. It was absurd to talk of sufficient security, for such enormous sums as these persons might receive, which, in some cases, would amount to hundreds of thousands of pounds. He did not insinuate anything against the character of these official assignees; they would be gentlemen of good and proper politics. The noble Lord said so—that was certainly something—but men who were to exercise such a control as this, ought to possess even greater merits than that. If a man were to give security for 10,000*l.* and then received a very large sum—perhaps 100,000*l.*—what remedy would there be if he were to take it into his head to proceed to Calais by steam, or some such quick conveyance? Would not the creditors say in such a case, that it would have been better for them if the Lord Chancellor had allowed them to take care of their own interests, and would they not have a right to say so? What would the effect of this Bill be, so far as regarded country attornies. In that respect, it was one of the most objectionable measures he had seen. As the law now stood, the Lord Chancellor had not the power of appointing country Commissioners, but by this Bill he vested that power in himself, and by that one act secured to himself the patronage of all the barristers and attornies throughout the kingdom. Now, suppose a political Lord Chancellor, such a Chancellor as had been in times long gone by, who would interest himself in political questions, was it not likely that the gentlemen, before they were appointed, would have a little bit of information given to them, to the effect that his Majesty's Government wished to advocate particular questions, and to attach themselves to specific political parties? He had stated, when the Reform Bill was before the House, that it had been calculated that the barristers who would be appointed under that Bill, would not be less in number than 300, and they would be appointed by the Lord Chancellor; if, therefore, the ap-

pointment of those 200 or 300 individuals were given him, as well as the influence this Bill would give, an immense degree of power, to be exercised over all the attornies and all the barristers in England, would be vested in him. This was a power which should be given to no man, and the present Lord Chancellor ought to form no exception. The Reform Bill had placed more power in the hands of the country attornies than they ever possessed, and if that Bill should pass, these dangerous powers would be still more increased by the Bill now under discussion. Under that Bill it would be necessary for the overseers to employ an attorney, in order to make out the lists; when the lists were made out, the attorney must go before the barrister to argue the case—for a barrister must not—over whom he will possess a most considerable degree of influence, and if the barristers were to go on their own circuits, it would be still more objectionable, and this influence would be increased. The attorney would possess an interest over the barrister, he would make up the lists, and if this Bill passed, the attornies would have a greater power over the elections of this country than ever was possessed by any class or body of men. Now, as this Bill gave the Lord Chancellor again great influence over these attornies, who possessed so much power, the Lord Chancellor and his Majesty's Government for the time being, would possess an influence over the elections, which was highly improper, unconstitutional, unadvisable, and inexpedient. On these grounds, it would be quite impossible to pass this Bill. He would not stop this measure at present, because he was quite willing to admit, that there must be great alterations in bankruptcy. He entirely agreed that there was a necessity of cutting down the number of the present Commissioners; but the power of deciding cases of this description must not be taken from the Judges of the land, and given to an inexperienced and inefficient Court. He would state to the House a few general observations on this question. He had frequently heard it argued by individuals, whom no man would deny were competent to form an opinion upon the subject, that the business of bankruptcy ought not to be separated from the Great Seal, and he would tell the House why. He was making these observations in the presence of many hon. and learned Gentlemen, who would,

no doubt, correct him if he stated anything improper. This was not only an important branch of legislation, so far as the property of individuals was concerned, but there was no law in practice which it might not be necessary to consult in the administration of justice in this respect. The greater part of the solicitors who were engaged in bankruptcy cases only, were much less respectable than any other class of practitioners. There was no branch of the practice in which there was so great a tendency to perjury as bankruptcy. It was requisite, therefore, that this business should be attached to the Great Seal, not merely because the Great Seal was supposed to possess the knowledge requisite to amend and correct the erroneous decisions of the Courts below, but because the importance of that Court, and the importance of the barristers who practised in it, were such as to keep in check and to control undue practices on the part of the inferior practitioners in bankruptcy. The removal of bankruptcy from the Great Seal would, therefore, be the means of also removing this wholesome check, and this due administration of justice. Nothing could be more dangerous than the appointment of this Court of Review, which would transact the business now performed by the Vice-Chancellor. If it were necessary to establish a new Court at all, which he denied—it would first be proper that the whole law of debtor and creditor, and the administration of the Insolvent-laws between them, should be taken into consideration. The Insolvent-law now stood on as bad a footing as a law could well stand, operating most harshly upon the poor debtor, without being sufficiently advantageous to the poor creditor. Everybody knew the truth of this observation, and nobody better than the noble Lord, the Chancellor of the Exchequer; because, before he came into office, he did, in a manner most creditable to himself, and highly gratifying to this House and the country at large, offer to become a most active member of a Committee which the Government then proposed to appoint, for the purpose of inquiring into the law of debtor and creditor. The noble Lord at that period could afford to devote his time to the performance of that duty; but, of course, his coming into office had incapacitated him from doing so. His Majesty's Government had not brought forward any proposition for pursuing that inquiry,

although the leading member of it was willing to take upon himself the arduous duty to which he had referred. It was impossible to conceive a more unwise and improper course than that of constituting a new Court of Bankruptcy, while the existing laws of insolvency and of debtor and creditor remained in their present state. This Bill had two objects in view; the first was, the institution of a new Court, which was not wanted; and the other was, the making some half-dozen alterations in the law, which might well be done without having a new Court. Under the existing law, the first man in England might be put into an awkward predicament. A man behind his back might swear to a certain transaction, *ex parte*; and unless he had the means of shewing that he was not a bankrupt, they were bound to regard him as one, on this *ex parte* proceeding, and his fair fame and fortune were, perhaps, for ever destroyed. As so much hardship could be entailed upon individuals by this law, the Legislature very properly allowed an appeal to any court of justice in the country. But what did this Bill do? It allowed no such advantage, but compelled the individual to bring his case before one of the unimportant and incompetent Judges of the Tribunal which was about to be established. If this Bill were to pass, what would be the effect, supposing a man—Mr. Chambers, for instance, whose case was well known—should turn out not to be a bankrupt; a man's credit would be destroyed without any cause for so doing. It was quite a common thing, certainly, for the decision of Commissioners to be reversed, and for issues to be tried, and verdicts set aside; but under the present system there was a direct remedy; the case might be tried before any of the Courts in Westminster-hall, or before the Lord Chancellor; but in future this must be done before this new tribunal of unimportant personages. Unless his Majesty's Government could shew that the fifteen Judges of the land were so pressed that they could not hear issues on bankruptcies—the number of which was very small—there was not the slightest foundation for this change. The bankrupt and the creditor ought to have a full and fair remedy, and therefore he was willing and anxious to concur in a measure which would have that effect. There was another question, of very great importance, relating to

the saving of which they had heard, and the fund of which the hon. and learned Gentleman spoke. The Dead Fund was the property of living men; it was composed of dividends which had not been paid over, because the owners were not to be found; and it was, therefore, as much the property of the public as any which was applied in the administration of justice. The hon. and learned Gentleman might have applied the same observations to this fund as to the unclaimed dividends at the Bank of England. There was very great expense and trouble attendant upon getting a small fund out of Court; and no doubt every facility ought to be afforded for that purpose. These small funds were accumulated at the expense of individuals, and he, therefore, called upon the noble Lord to protect this fund. There was once a suggestion made on this side the House, which seemed not to be attended to on the other side, to borrow the Suitors' Fund and lend it to Government. He then took the liberty, as he always should, of opposing such a system. Not a single shilling of a fund belonging to the suitors of that Court ought ever to be touched. That fund, so far as it was not wasted, belonged to the State, no doubt; but then, the law applied it in the first instance to make good the necessary charges of the administration of justice—nothing, certainly, could be more fair. It was unclaimed, and it certainly ought to be applied, in the first instance, to defraying those costs incurred in administering justice. The noble Lord, however, was now going to apply it to other purposes. He proposed to give the Lord Chancellor 5,000*l.* out of it, as at present, and also 7,000*l.* instead of fees and other emoluments. How could such a proceeding be reconciled with justice? What right had the noble Lord to pay the Lord Chancellor in the way he proposed, without, in the first instance, making a full inquiry into the nature of this fund? In fact that fund had become a public trust; and when the hon. and learned Attorney General said, that he was prepared to provide for these expenses without having recourse to a public fund, this was a perfect delusion; for he proposed to throw those expenses upon a fund which belonged to certain individuals, and not one shilling of which ought to be applied to the benefit of the country. The Lord Chancellor held the bankruptcy business by a particular commission—that com-

mission was always directed to him as a matter of course; and, therefore, though the law in bankruptcy cases was always administered in the Court of Chancery, where alone it could be administered, yet it did not, strictly speaking, so belong to the Court as to justify them in throwing upon the Suitors' Fund, not only the expense of the fees in bankruptcy, but the whole of the expense of this new Court. The noble Lord at the head of his Majesty's Government, and the noble and learned Lord at the head of the Court of Chancery, would entirely disappoint the expectations of the country, if they brought forward measures of this description, instead of introducing new and complete reforms in the law, and instead of reducing those enormous fees and exorbitant charges which would long ago have been abolished if the late Administration had remained in office. He had a right to say this, and he would now declare, sincerely and deliberately, that he would support any general improvement in this respect which might be brought forward on fair and proper grounds. When the noble and learned Lord who now sat on the Woolsack was defeated on the measure which he (Sir Edward Sugden) then brought forward, he again divided the House, and again declared his intention of making use of his privilege as a Member of Parliament, until, by repeated adjournments, he had destroyed the success of the measure. Therefore, the noble and learned Lord now at the head of the law, had shewn as much opposition to an alteration in the state of the law as it was possible for any individual Member of Parliament to shew in his place in that House. For the task of introducing a Reform in the administration of justice, many individuals might be more competent than himself; but, there was no one who would have set about it with a more sincere and earnest desire to effect an improvement than he should. He had employed the time which properly belonged to himself—the vacation—to give his best consideration to the subject, and from the course then adopted by the noble Lord opposite, he had had a most sanguine hope that some most effectual improvement in the state of the law would have been introduced. This confidence he could not entertain much longer, if some comprehensive measure were not brought forward. In making any observations upon a public subject, he should always do what he conceived to be his duty,

without regard to any, the most remote, ulterior considerations, or to whoever might happen to hold the Great Seal for the time being.

Mr. Serjeant *Wilde* did not know whether his hon. and learned friend had ever received any castigation in the Court of Chancery, but, certainly, if not for that, for some other sufficient reasons, he had addressed the House on the present occasion on very many, various, and dissimilar subjects. He (Mr. Serjeant *Wilde*) had never received any castigation from the present Lord Chancellor; and it was, therefore, to him no matter of surprise that an hon. and learned friend of his, near him, could treat this subject with good humour. One of the evils to which his hon. and learned friend (Sir Edward Sugden) called the attention of the House was, the recent despatch of business in the Court of Chancery. As this House and the country had a tolerably long experience of the evil consequences of delay in that Court, there could be but very few hon. Members who would sympathize with the hon. and learned Gentleman. This was undoubtedly a measure of very great importance, embracing the whole system of the present administration of the law. Though his hon. and learned friend had entered into a great variety of topics calculated to distract his own attention and that of his listeners, he had not advanced anything decidedly opposed to this proposition. He had not attempted to shew that the Court, which it was proposed to establish, would be incompetent to answer the object for which it was to be created. He was not aware from whom the noble and learned Lord who introduced this Bill in another place, procured the necessary information on which to act, or to whose experience he addressed himself, if he did not apply to the very same quarters to which the hon. and learned Gentleman had referred. With regard to the introduction of this Bill, the measure now proposed was not new to any individual who might have thought fit to direct his attention to the subject. For upwards of thirty years, the system of bankrupt jurisdiction had been a matter of universal and constant condemnation and execration. This Bill was the result of those inquiries which had from time to time been made, upon the authority of that House, or by persons professionally engaged in the administration of justice: the Bill at the same time proceeded upon

the recommendations of Committees of that House, and upon the recommendations of individuals who had given their best attention to the subject; and there was no part of this Bill, not even that part which was most condemned, which had not received the sanction of most respectable authorities reiterated from time to time. Considering the way in which Commissioners of Bankrupts were appointed, it would be a most extraordinary circumstance if that jurisdiction were efficient; agreeing, however, with his hon. and learned friend, that among the Commissioners there were to be found as intelligent, efficient, and respectable individuals, as filled any situations in the kingdom. He had for many years been in the constant habit of practising before them, and had, therefore, constant opportunities of seeing them; and he would unhesitatingly state, that there were individuals in that jurisdiction before whom he should be most happy to plead; still that jurisdiction had been made more the subject of patronage than any other in the kingdom. It was well known that to Lord Chancellor after Lord Chancellor it had been the means of obliging political and other friends, and a great number of individuals had been appointed who were utterly incapable of discharging the duties belonging to their office. The hon. and learned Gentleman had spoken of this jurisdiction without knowing anything about it; he had borne testimony to the manner in which the Commissioners did their duty. He believed he never was in a room with them in his life, he was sure that his hon. and learned friend had no experience on the subject, that he possessed no personal means of information. He was quite in error when he stated to the House that much attention was usually given to parties at private meetings. He would read what had been stated by an hon. and learned friend of his, who had been engaged in eleven times as much business before these Commissioners as any other individual in existence. He said, 'Secondly, among the evils of the jurisdiction is the difficulty of fixing the attention of the Commissioners.' This individual was himself a Commissioner: he proceeded. 'The attention of the Commissioners is with great difficulty fixed on the subject matter in dispute. I frequently have to implore the undivided attention of the Commissioners, but at private meetings

'the newspaper is a much more able advocate than I am. In January last, on my stating to a Commissioner, who had appointed two and I believe three private meetings at the same time, that it was impossible all parties could gain his undivided attention; the answer to my observations was, "that the Lord Chancellor had ordered that only three meetings should be held at once." A more perverted or mistaken interpretation of that order could not be conceived.' When his hon. and learned friend, therefore, spoke as he had done upon this subject, his observations were applied to a point, in respect of which he possessed no information. It must be apparent that this was the case, if the statements which had been made by individuals who knew anything of the matter were referred to. It appeared from a statement of Mr. Montague—an excellent authority on this question, and who had been before referred to—that a worse constituted tribunal could not be conceived; but how could it be otherwise? Three Commissioners were appointed to attend a meeting two hours, or, if it were a private meeting, one hour. The counsel, the attorneys, and the Commissioners attended, besides the parties. Punctuality was not to be expected; a portion of the two hours or hour, as the case might be, was wasted, in consequence of the non-attendance of the necessary parties. The examination was taken by question and answer, and while it was proceeding the counsel did not sit silent, and discussions frequently arose, so that it often happened that half the time of the second meeting was occupied in re-saying and re-considering what was said at the first; and so they might go on for ten, fifteen, or twenty meetings. Could it, then, be supposed that such a Court as this, and such proceedings as these were calculated to administer justice, equitably, and satisfactorily? It had been stated that the average expense of each meeting was 12*l.*; it was not more than 10*l.* At last the decision of the Commissioners was unsatisfactory; and what then took place? A petition was presented to the Vice-Chancellor, the depositions being taken before him by affidavit, and, consequently, not in the same way as before the Commissioners. The whole matter was gone over again; at last, at the end of some months, the matter came for hearing before the Vice-Chancellor; he decided, and in many cases the parties instantly appealed. But did he

always decide? no; he frequently directed a further inquiry, and often he directed issues to be tried. What was the consequence? These inquiries were unsatisfactory; the case came back again to the Vice-Chancellor, and the parties then appealed to the Lord Chancellor, the whole system being one of endless litigation, procrastination, and expense. Although he, perhaps, had had considerable experience on this subject, still there were many gentlemen who had had more; but, with the permission of the House, he would state a few instances of what had occurred within his own personal experience, and the truth of which he could vouch for. It was admitted—and this fact was material—by the hon. and learned Gentleman opposite, that the nature of this jurisdiction ought to be altered. Now, some short time ago, the necessity of such an alteration was utterly denied, but it was now fully admitted, for no one could deny that great evils existed. His hon. and learned friend referred to a specific case, and as he took it first he would follow his example. In that case a Commission issued against Messrs. Howard and Gibbs; that commission was superseded: it was afterwards tried, and before another Commission; and after a very long examination—sixteen or twenty meetings were held upon it—the petition was rejected. A petition was presented to the Vice-Chancellor to reverse that decision, and praying that it should be received; long affidavits were prepared, and six or seven counsel were instructed and feed. The case came on before the then Vice-Chancellor, Sir John Leach, who, as soon as the case was opened, said—"It is useless my going through this petition. I cannot hear it, inasmuch as the question turns upon contradicted facts, and there must be an issue." An issue, therefore, was directed. That petition did not cost less than 300*l.* or 400*l.* and before counsel were heard—immediately, in fact, on the case being opened, and without the long affidavits being looked into further than to shew the Court that the facts were contradicted—it was thus abruptly disposed of. That petition was presented in 1816; the issue was tried in about twelve months; and a verdict was found in conformity with the decision of the Commissioners, and against the debt. A petition was presented to the Lord Chancellor, with a complaint that the Vice-Chancellor had not heard counsel, and setting forth the

fees and expenses incurred in presenting their first petition. At the end of something like twelve months this petition was heard, and after an argument which lasted three or four days, a new trial was granted on payment of costs by the petitioners: these costs amounted to 550*l*. The new trial, at the end of another twelve months, was about coming on, when it was discovered that the order was not quite right. There was a petition, therefore, to the Lord Chancellor to amend it; this was done; but when the cause was about coming on again, it was discovered that there was another error in the order, and another petition was therefore presented, and at the time of the presentation of that petition something like four years and a-half had elapsed since the question had first arisen. My Lord Eldon then said, that he should have had all the facts before him three years before, when the petition was first presented. The parties begged and prayed that he would decide the case himself, without obliging them to incur the expense of preparing another issue and sending it down for trial. Four days were occupied in hearing the argument, in which no less than nine counsel were engaged. The Court then made an order confirming the original decision of the Commissioners and the decision of the Jury, and dismissed the petition with costs. The petitioners complained that they should have costs to the amount of 1,550*l*. to pay the assignees, besides 550*l*. they had paid before, and the petitioners' own costs could not have been less than 2,500*l*. The assignees' costs were about 500*l*. Thus there was a delay of five years, and the expense altogether was about 5000*l*. This was the jurisdiction—the tribunal—which indeed his hon. and learned friend said, he could not defend, but which nevertheless had been defended by others, and held up as perfect and requiring no alteration! He would cite another case which also occurred within his own knowledge. In that case a creditor had proved a debt of the amount of 4,000*l*. A petition was presented, in the year 1816, to expunge that debt. The petition was presented to the Vice-Chancellor, by whom the case was referred to the Commissioners, who held twenty-five meetings upon it, which occupied about three years. The Commissioners ultimately decided against the debt; and a petition was presented to the Vice-Chancellor, who directed an issue; after all

the expense, therefore, of taking the affidavits—after all the fees to counsel—the matter was in no way advanced, and the affidavits were mere waste paper. The attorney's costs for taking instructions are 1*s*. for every seventy-two words; for drawing, 8*d*. per folio, or seventy-two words, and for copying—to be sworn. Then briefing, 3*s*. 4*d*. a sheet for every sheet delivered to counsel, of which there were sometimes six or more. An issue was prepared by one side; the other side said that the matter ought to be concluded, and that there ought to be no issue—and the result was, that a petition was presented to the Lord Chancellor; that petition, after about a year and a-half had elapsed, was at last argued before Lord Chancellor Eldon, and at the period when he left office, it remained waiting for judgment, it having been presented in 1816. The parties implored my Lord Eldon to give judgment notwithstanding that he had resigned the Seals, and not to put them to the expense of having the whole of the matter re-heard before the new Lord Chancellor. In January, 1831, therefore—last January—an order was pronounced on this petition, reversing the decision of the Commissioners, and pronouncing the debt to be good, and the creditors of the estate had the satisfaction of receiving a dividend on 4,000*l*. of 2*s*. in the pound, the costs only amounting to 2,000*l*. There was another case, in which a person of the name of Perkins proved a debt to the amount of 4,000*l*. The case was examined by the Commissioners, and went through the same routine, an issue was directed in the same manner; the debt was established, and a dividend of 2*s*. in the pound, or something less, paid upon it, the costs greatly exceeding the whole amount of the debt. He might mention several similar cases but would confine himself to one more. A dispute arose, in the instance to which he alluded, whether the sum of 300*l*. had been received by the assignee for the benefit of the estate or his own benefit, on which an issue was directed—the Vice-Chancellor, conceiving himself incompetent to decide, directed the issue, and the verdict decided in favour of the creditors, and that the money was received for the use of the estate. When the case went back to the Court of Chancery, all the parties were desirous of having their costs out of the fund, but the parties received only 300*l*. a sum not sufficient to pay their costs, and

the rest they went without. He could accompany these cases with many others which had occurred within his own experience. He would venture to say—and he had been engaged in as many commissions as any man in England—that the instances were very rare where a man was not ruined by a bad commission being taken out against him. He recollected the case of a man whose estate was supposed to be worth 10,000*l*. My Lord Eldon directed an issue; great delay took place; the whole estate was ruined and there was not one shilling left to divide among the creditors. Instances like these were not rare—they were in the ordinary course of the administration of justice. It might be asked, how this happened? Was the tribunal incompetent to administer the duties which were imposed upon it? One reason was, the jurisdiction of my Lord Chancellor in bankruptcy was, to a great extent, assumed, for there was no such jurisdiction given him by the law of the land. He had it and exercised it now, and of course it would be idle to attempt to dispute it. He only referred to this matter now, in order to shew why the jurisdiction was so incompetent. The Lord Chancellor had a commission directed to him to try bankruptcy cases; but it was hardly possible to imagine a tribunal less qualified to decide such questions satisfactorily. It was impossible to suppose that disputed matters of fact could be tried by affidavit. The affidavit was drawn by the attorney, and the witness spoke the language of the attorney, and not his own. My Lord Eldon—with his intimate acquaintance with, and knowledge of, human nature—knew perfectly well that it was impossible to decide satisfactorily, on contested matters of fact, without the intervention of a Jury; the Commissioners therefore formed a most imperfect tribunal. Many of them were too timid to discharge their duty efficiently. He had frequently heard commissioners say, when they had been urged to do their duty and commit a bankrupt, “No! we cannot do it, our responsibility is too great.” When he was a Solicitor, he frequently refused to issue Commissions for creditors, observing that it would be useless to do so unless they were directed to a particular List. He had frequently heard it observed by solicitors, that there were only particular Lists who would do their duty; they of course, became the subject of particular

remark, as they discharged their duty in a different manner from the others. They were accused, or laboured under the imputation, of acting with a peculiar degree of severity, which imputation had no foundation whatever; in fact, he never knew a case of any individual committed by them, who was afterwards discharged by a superior authority. It really was the practice, to say to creditors, “You will only throw your money away unless you can get the Commission directed to a particular List.” At this day there were many solicitors who, though they believed that the prosecution of a Commission of bankruptcy would be beneficial to the creditors, declined to take the necessary steps, despairing of obtaining Commissioners who would fearlessly discharge their duty. Therefore, looking to the Commissioners in the first place, it appeared that they had not the confidence either of the profession or of the public; and a great part of the delay and expense which took place, arose from the circumstance of the parties appealing against the decision, merely from want of such a confidence. This was one of the evils proposed to be cured by this Bill, which proceeded upon the recommendations of individuals perfectly competent to form a judgment upon the subject. It was proposed to select many of the new Commissioners out of the existing number; and there was no doubt that out of seventy twenty efficient men might be found; and when it was considered that these twenty individuals would form a separate jurisdiction, giving their whole time to the duties of their office, not acting as counsel, and not having their attention distracted by going into different inquiries partially at one and the same meetings, it must be at once conceded that they would make most efficient Judges or Commissioners. He had heard it stated in another place most distinctly, that many of the existing Commissioners were intended to form the new jurisdiction. His hon. and learned friend assumed that this would not be the case; but he was mistaken. Very many, if not all of the new Commissioners would be selected from the existing body, and no doubt could be entertained, that when the nature of the jurisdiction was so much improved, it would be found to be most efficient. His hon. and learned friend said, that they had no right to expect the assistance of three efficient Commissioners at one and the

same time; and he said—"If a young man were appointed, I should ask, are there other young men with him; if so, then I should say that the commission is inefficient, but if he were to act in conjunction with experienced persons, then the case would be different." But was it fit that they should take the chance of having efficient persons in this way? This was not, however, the only objection—there were others which required, to be equally considered. He had attended cases for seven years virtually, as it was called, before a Commissioner whom he (Mr. Serjeant Wilde) never saw—because he was up stairs in bed during the whole of the time: a second Commissioner was below, and his door was left open, in order that the oath might be considered as having been administered before him. Now this was a most respectable gentleman in every sense of the word, but this jurisdiction was certainly inefficient. His hon. and learned friend said, let the appeal be to the Vice-Chancellor: the cases to which he had referred did go before the Vice-Chancellor. They were not now proposing to establish a new Court, the Vice-Chancellor's being untried; they were not now dealing with imaginary evils: Government was called upon to act in a case, the evils of which were well known to commercial and professional men, and called upon by the existence of such glaring defects in the administration of justice, that they could not refuse to legislate. Therefore, it was a sufficient answer to his hon. and learned friend, that the Vice-Chancellor had been tried, and his jurisdiction in this respect, as at present constituted, had been found inefficient. When he heard it said that there were very few appeals, he referred to a return which was made to that House relative to the number of petitions which were heard before the Lord Chancellor. His hon. and learned friend said, that the average was about one in forty; but in referring to this statement, it must not be forgotten that many of the petitions which were laid before the Vice-Chancellor, were mere matters of course. The whole number of petitions heard before the Vice-Chancellor, in the year 1824, was 150; how it happened he could not tell—but, according to the return, the appeals before the Lord Chancellor in that year amounted to 163. In 1825, 304 were heard before the Vice-Chancellor, and 202 before

the Lord Chancellor. In 1826, 423 before the Vice-Chancellor, and 223 before the Lord Chancellor. In 1827, 292 before the Vice-Chancellor, and 222 before the Lord Chancellor. In 1828, 353 before the Vice-Chancellor, and 148 before the Lord Chancellor. In 1829, 309 before the Vice-Chancellor, and 147 before the Lord Chancellor. There was scarcely a contested matter which was not afterwards made the subject of appeal; those appeals being productive of the greatest delay, expense, and inconvenience, and frequently ending in the total ruin of the parties. This naturally arose from the very great evils of the existing system. Nobody who heard his hon. and learned friend's statement would believe that suitors at present paid fees to the extent of 40,000*l.* a-year, a very great part of which would be abolished by this Bill. Nobody would credit that his observations could be founded on facts so simple as this: the expense of the new Court would be about 29,000*l.* a-year, whereas the expense of the present, for the very same matters, was 40,000*l.* a-year and more; besides which a saving infinitely beyond this would accrue to the public in respect of an expense, which had been calculated by Mr. Montague at 240,000*l.* a-year. The question then resolved itself into this: was the proposed Court calculated to remedy the evils which at present existed? It was; because these Commissioners would bestow their whole and undivided attention upon the matters brought before them,—they would not have their attention distracted by the investigation of several cases at the same time, and they would have the means of coming to a satisfactory decision. The consequence of this improvement would be, that there would not be one-half, or anything like one-half, of the petitions brought forward which were now presented; that was to say, of petitions respecting the same subject-matter. The expense of each meeting at present, as he before observed, was 10*l.* Under this Bill it would be 1*l.*, for which sum suitors would have a competent and efficient tribunal, besides the saving which would be made in messages, fees, &c. Thus a great number of appeals would be abolished, and an effectual tribunal created. But would the number of commissions be abolished? There was no question that there would be a much greater number than at present, because the tribunal would be more effec-



tual, and many parties would then be anxious for inquiry, who now abstained from demanding it, because they thought that the case would not be properly examined into by the present jurisdiction. Under the proposed system they would have men of intelligence and experience. If a Commissioner's decision were gainsaid, too, he would have notice that the Court would be moved, in order that he might shew cause why he should not review his decision; on which he would make a report to the Court of what had taken place. Under the present system, if the case were decided by the Chief Justice or any other judge, and a new trial was moved for, that motion was decided upon affidavit and the arguments of counsel, just as a motion would be decided in the Court of Chancery. Under the present system, in case of an appeal, affidavits must be filed at an enormous cost; but, under the proposed system, if a new trial were wished for, instead of a mass of affidavits, there would be only the report of the Judge of what took place before him. How little expensive was this course compared with the old one! He remembered that a *mandamus* was once moved for, and refused, in a case of bankruptcy, on the ground that the Lord Chancellor had a summary jurisdiction; but, in point of fact, the delays were often such as to ruin all parties concerned. If copies of the proceedings were wanted, parties could have them from a short-hand writer at a far less expense than the copies of the affidavits were now procured at. There was now a multiplication of fees, and all, perhaps, for nothing, as the facts might at length be sent to be tried before one of the Judges at Westminster Hall. Thus the winner was sometimes ruined; the loser always. His hon. and learned friend had reflected upon the Judges that were to be in this new Court, and had said that they would be persons of no weight or consideration. What authority had he for so saying, or how could he reconcile his statement, that this Court would have to decide on questions of the greatest complexity and difficulty, involving property to an enormous amount, with his opinion that it would be considered a trifling Court? The jurisdiction of this Court would be found so important as to carry great weight and consequence with it in the eyes of the country, and, consequently, to offer sufficient in-

ducements to men of reputation to become Judges in it. Instead, then, of bankruptcy proceedings being attended with enormous expense, and lasting for years, they would, in this Court, be despatched at a cheap rate in the course of a few weeks. He agreed with the hon. and learned member for St. Mawes, that the fact of a man being ruined by a commission being taken out against him, even if that commission should turn out to be bad, was sufficient to call for an amendment of the law. The issues to try whether a man had been a bankrupt or not were frequent and expensive from various causes. That evil would be remedied by the fact being at once tried by affidavits and got rid of, and by the decision being made upon the facts before the Court, instead of the parties being at liberty to make a new case. The case of Chambers shewed, in a most glaring manner, the evils of the system in this respect. In that case, the question was brought before the Court of Chancery, and was argued four times. Three verdicts were given on one side and one decision on the other. The case then went before the Court of Exchequer, which negatived the bankruptcy: a new trial was had, which again established the commission; and now another new trial was pending to overturn that decision. This had been going on for four or five years. What, during this time, had been the situation of the customers of that banker? How many tradesmen might not have been ruined by the delay in paying the dividend? How many thousands had not been consumed in costs? His hon. and learned friend opposite complained of the expedition of the Lord Chancellor—complained that those who found fault, when on that side of the House, with the jurisdiction of the Court of Chancery in bankruptcy, had not been three months in office before they set themselves about remedying its evils—evils which he himself had been considering these twenty years. His hon. friend said, why not wait until a bill for the reform of the whole of the Chancery jurisdiction was brought on. But why should they wait for all before taking a part? Here a Bill was presented, proving the integrity of the intentions of the Government, and its determination to act upon the professions it made upon that side of the House. The hon. and learned member for Broughbridge had said, that it was essential

that the Lord Chancellor should have the superintendence of all matters in bankruptcy. This Bill proposed to preserve the superintendence of the Lord Chancellor, without troubling him with matters he could not decide. The Lord Chancellor had always found himself incompetent to decide on matters of fact; and, when questions of fact had come before him, he had sent them to a Court of law. Under this Bill, all matters of fact would be decided previously to their coming before him. The mere question of law would go before him, either in the shape of a bill of exceptions, or of a special verdict, thus saving the parties a vast expense. It had been stated by several intelligent persons, and by none more strongly than Mr. Montagu, that the present system involved a *maximum* of expense with a *minimum* of justice. At present, 43*l.* was the least expense at which a man could be at before the Commissioners; for there could not be less than three meetings. Under the new system, the creditor would, at an expense of 30*l.*, be able to have as many public meetings as he might require, and as many private meetings as he might think fit at the cost of 1*l.* Gentlemen talked about the expense of this Court; but the plain fact was, that the country, instead of paying 70,000*l.* a-year, would only have to pay 30,000*l.* His hon. and learned friend spoke with an air of determination and positiveness that would almost persuade one he was always in the right; but he could not help suspecting, that he knew as little of the time that would be occupied in this new Court as of the proceedings of the Commissioners of Bankruptcy. Suppose there be 5000 public meetings and 2,000 private meetings, it would give the Commissioners work for six hours a day through nine or ten months in the year. But there was every reason to believe, that when the business could be done at a reasonable expense, and in a satisfactory manner, the increase of business would make the work greater. That such was likely to be the case might be judged from the fact of the Court of Exchequer having twenty times as much to do as it used to have. Another objection made to the Bill was on account of the retiring allowance given under it to the Lord Chancellor, but if it was compared with what was received by Lord Lyndhurst and Lord Eldon, and if the

fees abolished were considered, no one ought to complain of it. The 12,000*l.* was less than was received in any one year during the Chancellorships of Lord Eldon and Lord Lyndhurst on account of their bankruptcy business, except one year of Lord Lyndhurst's, when it did not exceed 10,000*l.* With respect to the objection of part of the expense being defrayed out of the Dead Fund, as it was clear that all the suitors of the Court of Chancery would benefit by the arrangement, very little weight was to be attached to it. And it appeared, from an investigation ordered by the Lord Chancellor, that that fund would still be sufficiently large to answer all demands upon it. Another objection had been raised to this Bill on account of its giving the Lord Chancellor the appointment of the Judges who were to preside in this Court, but he could not see upon what foundation it rested, when, without dispute, he appointed all the Judges in Westminster Hall. Besides, he had already the appointment of these seventy Commissioners, vacancies among whom occurred every year: and it was clear that the present system, costing the public 70,000*l.* a-year, instead of 30,000*l.*, must give a greater annual patronage than could be exercised under the new Bill. It was objected, also, with regard to the period of the appointment of these Judges, that they might be in the receipt of their salaries several months before they commenced their duties. Now it must be considered that they did not at once go into a Court and begin their operations, but that they had to form a Court; and two months was not too much time for the purpose. In short this country had long been groaning and suffering under the most imperfect and inefficient system of law, with regard to bankruptcy matters, that it was possible to imagine, and had paid dearly for perjury, delay, and uncertainty. He had not troubled the House with a statement of the evidence of various witnesses upon these points, for they were notorious and undeniable. This Bill would substitute for all these evils an efficient Administration of justice, and therefore he should support it. He had refrained from entering into various topics introduced by his hon. and learned friend because he did not think it respectful to the House to occupy its time with any matter except the actual Bill.

Mr. John Smith rose to support the Bill,

the object of which was, to carry into effect alterations which he had urged upon the House many years ago, but without effect. It was in some measure by his humble means that the Committee which had been referred to was appointed by the House in 1818. The evidence given before that Committee convinced the House and the public, that the Bankrupt-laws as they stood were a source of villainy, fraud, and perjury, of the grossest and most odious kind. It was clearly made out in evidence that there were men plying, almost openly, a daily trade at the doors of the Court of Commissioners, and that they were ready, for small sums, to swear to any debts that might be required; that bills of exchange drawn for the purpose were put into the hands of these persons to support the proofs they made upon bankrupts' estates; and that thus the certificates of fraudulent bankrupts were obtained in spite of their real creditors. The opinions of some of the most eminent men in the city of London confirmed the opinion which he had formed, and convinced him that nothing was more injurious to the fair tradesman than the facility which the Bankrupt-laws afforded to fraud, while the delay and expense which accompanied them amounted in many cases to a total denial of justice. He knew many instances in which commercial men often were obliged to submit to great losses as a less evil than applying to the Equity Courts. He had known Lord Eldon reserve his opinion for sixteen years, to the ruin of suitors, though the point at issue was such as the new Court would settle in a few days. The evils now to be remedied, existed and were complained of thirty years ago. On one occasion a rich man refused to pay to the banking-house with which he was connected more than 4,000*l.* on his bond of 4,500*l.* The house had consulted its legal adviser, Mr. Kay, the solicitor of the Bank of England, who had told him, that the house could undoubtedly recover the money in a Chancery suit, "but," added Mr. Kay, "mind what I tell you, my bill will exceed the 500*l.*" Under such circumstances the banking-house to which he belonged had no other alternative than submit to the loss. Such were the Courts of Equity. It often happened that a man who stopped payment would appear, on his books being inspected by his creditors, to be able to pay 1*8s.* in the pound; but it was almost certain,

that if, instead of a composition by the creditors (which it was very difficult to effect with the consent of all the creditors) the man was driven into the *Gazette* his estate produced only a dividend of 2*s.* in the pound. The new Court, which had been denounced by the hon. and learned Gentleman (Sir E. Sugden), whose ability and confident manner were calculated to make an impression on persons not as well acquainted as he was with this subject in all its bearings, was a feature in the Bill of which he very much approved. The official assignees, too, of which the same hon. and learned Gentleman disapproved, would, he (Mr. Smith) did not doubt, be the chief means of saving the estates of bankrupts, and making them productive. He had had so much experience of the evils occasioned by assignees, themselves in bad circumstances, getting the bankrupt's estates into their hands, and absconding or failing, that he was glad to see the security of a responsible officer interposed for the protection of the creditors. He hailed the measure as a proof of the earnestness and ability of the illustrious nobleman at the head of the law in this country in purifying the judicial institutions; and he thought a better beginning could not have been made than with the Bankrupt-laws, which were the worst in Europe, and a disgrace to the nation. He gave his most cordial support to the Bill.

Bill read a second time

SELECT VESTRIES BILL.] Sir John Hobhouse moved that the Bill be read a third time.

Mr. *Trevor* said, that he intended to speak on the principle of the Bill. At the then late hour of the night that would be extremely inconvenient. He suggested that the question for the passing of the Bill, which certainly was of a most important nature, should be postponed.

Sir *John Hobhouse* was surprised at any objection being made at this stage of the Bill, which he, and he believed every one else, thought had been already fully discussed.

Mr. *Protheroe* thought the Bill, instead of receiving any impediment, should be hastened as much as possible. The present system of vestries was one of great injustice. In numerous parishes, he was sure, taxes would not be paid if the present select vestries were continued.

Sir *Robert Inglis* said, he was somewhat surprised at the language of the hon. member for Bristol: he appeared to think the House would be deterred from its duty by threats. If there was no other reason to delay this important Bill, the remark of the hon. Member, that the parishes would legislate for themselves, was sufficient to induce the House to do so, and not to pass such a Bill at that late hour.

Mr. *Spring Rice* said, the Bill had been most fully discussed, besides having been under the attention of a Committee up stairs for several months, who had recommended it to the House: it had been examined at full length before a Committee of the whole House. He could not imagine what useful purpose the hon. Member could gain by now opposing it, for there was no doubt it must ultimately pass into a law.

Mr. *George Dawson* said, he was favourable to the principle of the Bill, and had no intention of opposing it, but for the violent language of the hon. member for Bristol, who had attempted to overawe the House by threats. He objected accordingly to the third reading at that time.

Mr. *Protheroe* said, he had no intention to use the language of intimidation or to appeal to the fears of the House. He knew such an attempt would be wholly unsuccessful. His only motive for supporting the Bill was, to restore to the people the authority that of right belonged to them, but which had been lessened by select vestries at various places.

Sir *John Hobhouse* said, any discussion on this Bill at so late a state of its progress could only delay it from passing for a very short time; if the hon. Member, therefore, thought proper to again argue it he would endeavour to meet him. He would only add, that in urging the passing of this Bill he was not stimulated by any thing that was passing out of doors.

Mr. *Trevor* said, he had no desire to impose any unnecessary delay, but he wished the third reading to be postponed until the next day, and he should propose an amendment to that effect.

The House divided on the Original Question. Ayes 38; Noes 8—Majority 30.

The Bill read a third time and passed.

## HOUSE OF LORDS,

Thursday, October 6, 1831.

[MINUTES.] Bills. Brought up from the House of Commons and read a first time; the Vestries Bill; the Whiteboy Act Amendment Bill; the Public Hospitals (Ireland) Bill; the Customs' Fees Regulations Bill; the Payment of Wages in Money Bill; and the Payment of Wages in Goods Repeal Bill. Referred to a Select Committee; the Cotton Factories.

Petitions presented. In favour of Reform. By the Earl of CAMPERDOWN, from the Incorporation of Weavers, Cupar; and of the Inhabitants of Auchtermuchty:—By the Earl of RADNOR, from the Freeholders and Inhabitants of the County of Berks:—By Earl GOWER, from the Inhabitants of Invergordon and Giggleswick, and from the Staffordshire Potteries:—By Lord ABERCROMBIE, from Inhabitants of Dundee:—By the Marquis of WESTMATH, from the Inhabitants of Kildalkey:—By the Earl of FIFE, from Keith, in Banffshire:—By the Duke of ARGYLE, from Campbeltown, Argyleshire:—By Earl GRAY, from Glendall Ward, Northumberland; Staines; Seven Oaks, in Kent; and from High Street, St. Giles's, signed by all the Inhabitants except five:—By the Lord CHANCELLOR, from Huddersfield, signed by 7,500 Persons; from the Ward of Bishops-gate:—Buglanton; Deddington; Dunkeld; Selby; St. Giles, Camberwell; the Protestant Freemen of Galway, St. Clement's Danes, Anstey and Chorley:—By the Marquis of LANSDOWN, from Rothsay, in the Isle of Bute:—By Lord DACRE, from Cheshunt and Amersham. Against Reform. By the Marquis of SALISBURY, from Hitchin, praying that the Reform Bill may not pass without due securities being taken that the Constitution shall remain unimpaired:—By the Earl of FINGAL, from the Corporation, Clergy, and Justices of the Peace, Galway, praying that the Galway Franchise Bill may pass into a law:—By the Marquis of HEADFORT, from the Protestant Freemen of Galway Corporation:—By the Marquis of CLEVELAND, from the resident Protestant Free Burgesses of Galway:—By the Marquis of WESTMATH, from the Town of Galway:—By the Marquis of LANSDOWN, from the resident Freemen of Galway.

[FEES IN COMMON LAW COURTS.] The Earl of Shaftesbury moved the third reading of the Fees in Courts of Law Bill.

The Lord Chancellor said, if any sound objection could be made to this Bill he should have no objection to have it reconsidered. According to a statement made last night by a noble Earl, this Bill would unjustly affect the interests of some of the Welsh Judges, whose case he should not object to have considered.

Earl Cawdor said, that the Law Commissioners were not authorized to grant compensation for fees which were not enforced by Act of Parliament, or by a prescription of fifty years. Now it was notorious that fees were received and considered legal which did not come within either of these heads. The emoluments of some of the Welsh Judges depended entirely on such fees, and by this Act they would not be entitled to any compensation, which was not, he supposed, intended by the Bill.

The Lord Chancellor thought there should be some limit of time fixed, and if

injustice were done, a Special Report might be made by the Commissioners. He thought the Welsh Judges did not come within the meaning of the Bill.

Lord *Tenterden* said, in order to arrive at a proper understanding with respect to this Bill, it was necessary to consider the circumstances which rendered its adoption necessary. The Common-law Commission having determined that the abolition of certain fees was desirable, and that a compensation in lieu should be made to those entitled to receive them, a Commission was consequently appointed to determine those points, and that commission considered that under the Act 1 Will. 4, c. 58, which had been passed for the purpose of regulating the receipt and appropriation of fees and emoluments receivable by the Officers of the superior Courts of Common Law, they were bound only to entertain the claims of such persons as could shew they were entitled to these fees by authority of Parliament or some other legal authority. This necessarily led to considerable difficulty, and it was, therefore, thought advisable to bring in the present Act, in order that such fees should be established as legal fees when there had been an enjoyment for a given period; and that period, after much consideration had been fixed at fifty years.

Bill read a third time and passed.

REFORM—PETITIONS.] Lord *King* presented Petitions in favour of the Reform Bill, from a parish in Halifax, Yorkshire, signed by 1,100 persons, from the Out-dwellers in the port of Dover, who expressed themselves willing to resign their existing rights, in order to facilitate the passing of this Bill, and from several other places. The petitioners also prayed that the office of Warden of the Cinque Ports might be abolished, as the influence of that officer was opposed to Reform.

The Duke of *Wellington*, referring to a passage in the petition from the Dover voters, said, that he did not think that the office of Warden of the Cinque Ports had anything to do with the rights of the freeholders in Dover or elsewhere. An Act of Parliament was in existence which prevented the Warden from having anything to do with the election of a Member of Parliament, and he could not see what the office of Warden had to do with this Bill. The Warden of the Cinque Ports had the command of all the fortresses on that

coast, and had important duties, pregnant with advantage to the country, to perform. He did not know whether the abolition of such duties would be one of the necessary changes expected from this Bill, but it was very likely that it might be one of the results of it.

The Earl of *Glengall* presented a Petition from Tipperary in favour of the Reform Bill. He wished, in doing so, to take the opportunity to state his reasons for voting against the second reading of the Reform Bill. He was a decided friend to a Reform in the Representation of the people of England, but he conceived that a very wide difference existed between voting against Reform in general, and voting against this Bill. He for one was most desirous to see a moderate measure of Reform introduced, and he was sure that such a measure, if it were brought forward, would meet not only with the general approbation of that House, but with the approval of the great majority of intelligent persons in the three kingdoms.

Lord *Belhaven* presented a Petition from the corporation of Haddington, in favour of the Reform Bill. The petitioners were persons who were interested in the present state of things, but they were willing to sacrifice such interests for the public good.

The Earl of *Haddington* said, that he had been long aware that there was a desire in Scotland for a Reform of the Representation there, but the Bill now before the House had nothing to do with that part of the United Kingdom. He was anxious to state on this occasion, that which he had intended to state last night, but which he had omitted to mention—namely, to express his conviction of the necessity of Reform in Scotland. He had never had, at any time, a doubt that if the principle of Reform was to be adopted at all, its application to Scotland was essentially necessary. He had on former occasions resisted Reform for Scotland, because he was of opinion that it would be impossible to introduce it without its being followed by a Reform of the Representation in England. If Scotland had remained an independent kingdom, and had flourished as it had done, the present system of Representation would never have continued there. It was now absolutely and essentially necessary that some kind of Parliamentary Reform should be

introduced into Scotland, so as to give the counties there a national system of popular Representation, founded, unlike the Representation proposed to be introduced by the Bill now before them, really upon property, and to open the franchise in the close boroughs in Scotland to the inhabitants generally of such places. He was anxious to state his sentiments on this point, that they should not be misunderstood by his countrymen.

The Earl of *Camperdown* was glad that the noble Earl had made this concession. It was true that he had before admitted the necessity for some concession; but he had never before made the admission in such distinct, strong, and direct terms. One thing was certain, that the people of Scotland made no distinction between their own Reform and the Bill now before their Lordships. They understood perfectly that the fate of this Bill would decide the question of Reform as to them; and therefore, if this Bill should be rejected, the rejection would be received by them with alarm and dismay; and the noble Earl might be well assured that they would look more to that rejection than to his declarations, and would be filled with alarm and dread that the present system would in substance be continued. When the Bill of Reform for Scotland came to that House—if ever it should come there—he would be ready to meet his noble friend on the subject of its details. The noble Duke (*Wellington*) opposite had, on a former night, adverted to the state of Scotland, and had truly said that it was in a most flourishing condition; but if the noble Duke meant to say that this was owing to the state of the Representation in Scotland, that position would lead to the extreme point, that the best Government was that where there was no Representation at all. While Scotland remained a separate kingdom, it was well known in what a wretched condition it was under its own system. But when it became united with England, it acquired the benefit of the English Representation, which, with all its faults was far superior to that of Scotland. However unfavourable the terms of the Union might have been to the people of Scotland, they unquestionably gained an immense advantage in the English Representation. Before the Union, Scotland was distracted with religious parties. But after the Revolution, and about the time of the Union, the ques-

tion of the established form of Church-government had been settled. The clergy had, ever since the Reformation, on the whole, done their duties admirably, and by forming a connecting link between the highest and the humblest classes, they had strengthened all the ties of society. The parish schools had also been most efficient in diffusing the blessings of education. What had been the result of all this? The knowledge diffused among the people made them see clearly the faults of their system, and, therefore, they felt more intensely than the inhabitants of any other part of the empire the necessity for Reform. The old system might have been good for the time; but was totally unsuited to existing circumstances. He thought it his duty to make these few remarks on the observations of the noble Duke with respect to Scotland.

The Duke of *Wellington* considered it was quite irregular to allude, on the presentation of a petition, to what he said in the course of a debate on a former evening, which was to be resumed this night, and when any noble Lord would have the more regular opportunity of replying to what had fallen from him. However, as the noble Lord had spoken of that part of his observation which applied to Scotland, he would beg leave to inform him, that what he said was, that Scotland was the most prosperous part of his Majesty's dominions, and a country exceedingly well governed. He did not advert at all to the state of its Representation, as it had been under the Government of his Majesty, in common with the other parts of the United Kingdom, and of the King's dominions, and under the protection of the Parliament, the Lords and Commons of Great Britain. No doubt it had advanced in prosperity in a greater degree than almost any part of the United Kingdom, but though he had stated that, he had taken care to avoid giving an opinion about its Representation, or whether there should be a Reform in Scotland or not. He had admitted, that when the subject of Representation was under consideration, that of Scotland must be included as a part of the whole empire, but he made no admissions for Scotland to the exclusion of any other part of Great Britain.

Lord *Belhaven* begged to remind their Lordships, that the petitioners did not pray their Lordships to pass the Scotch Reform

Bill, as that was not now before them. But as to Representation, Scotland had no Representation at all. It was mere nomination. His noble friend (the Earl of Haddington) had said, that he was anxious to have an elective franchise founded on property, and not such a franchise as it was proposed to establish by this Bill. Well, then, his noble friend ought to vote for the second reading of the Bill, and endeavour to amend it; and then, if his noble friend could prove to him that the system proposed by this Bill was not founded on property, he would not vote for its passing in its present state.

The Earl of *Haddington* had spoken of the Scotch Bill, and not of this.

Lord *Belhaven*: well, then, if his noble friend could prove that the system proposed to be established by the Scotch Bill was not founded on property, he would not vote for it.

The Earl of *Rosebery* wished to take that opportunity, as being the earliest which had presented itself, of corroborating the opinion of the noble Lord near him, that any prosperity which had fallen to Scotland might fairly be ascribed to other causes than the state of its Representation. It might be most justly asserted, that it had reached its present pitch of prosperity, not in consequence of its Representative system, but in spite of it. If any proof of that assertion were requisite, it might be selected from the fact, established in the pages of its history, that so long as its inhabitants were living exclusively under the form of Representation which they now joined in condemning, no country in Europe exhibited greater wretchedness or more intolerable misgovernment than Scotland. If it had subsequently increased in knowledge and wealth—if it had of late years greatly accumulated the elements of social happiness—it was only because of the union of its political destinies with England, a land to which nature had been more bountiful, and which had the fortune to be blessed with more liberal institutions.

The Marquis of *Londonderry* rose to lay before their Lordships a petition against the Ministerial measure of Reform, but in favour of some more safe and expedient plan, from certain of the Gentry, Clergy, Merchants, Bankers, and Residents of the town of Belfast and its neighbourhood. The noble Marquis begged to state, that when their Lordships heard the

petition and the circumstances connected with it, they would find that there were no grounds for asserting, that there had not been a considerable degree of reaction and difference of opinion in the public mind respecting the Reform Bill since the dissolution of the late Parliament, and even since the opening of the present. The petition he held in his hand had not been agreed to at a meeting assembled for the purpose of voting it, but, on the contrary, it was assembled to vote a petition favourable to the Bill. A noble Marquis, to whom a great part of the town of Belfast belonged (the Marquis of Donegal), and a noble Earl, the predecessor of a noble Duke in the office of Postmaster-General (Earl O'Neill), were the dispensers of wealth and favour in that place. It happened that these noble Lords, up to a late period, always professed the sentiments of Orangeism, and their influence tended to keep down the free, liberal, and independent opinions of the town of Belfast. Changes, however, unfortunately would at times come over the best of characters, and over these noble Lords had passed a very rapid change, indeed, for he believed that they ranged on the side of the late Government when Toryism predominated. They had now, he believed, become converts to other doctrines, and ranged on that which was called the liberal side of the question, and, as was natural under such circumstances, they endeavoured, as far as was possible, to collect a numerous meeting, with the view of getting up a petition in favour of the Reform Bill. What, he would ask, had been the result of the meeting summoned by the sovereign of Belfast, a near relation of the noble Marquis, who had also changed his sentiments on the measure? That gentleman came provided with all the power his situation afforded, and the meeting assembled in the great square of the town. Well, what did the inhabitants of that notorious, Radical and democratical town? What was the result of the requisition, numerously signed, requesting a public meeting to vote a petition in favour of the Reform Bill? He would inform their Lordships of what had occurred, as reported in one of the local journals. The noble Marquis proceeded to read a Belfast newspaper, which stated, that the mass of persons at the meeting had answered the interrogatories of the Chief Magistrate's speech as to the

duty of Lords and Commons with respect to the Reform Bill, by clamorously declaring, that the former would throw it out, and, that the latter ought to have done so. Noble Lords, continued the Marquis, would see, from what he had read, that there was a strong feeling of dissent abroad with regard to that description of Reform proposed by Ministers. The petition he had the honour to present prayed for moderate Reform. It further intimated, that there was a strong body of the community in favour of such Reform; but while it stated that, it also advanced the most emphatic reasons of opposition, point by point, to that most Revolutionary Bill. The petition was then read by the clerk, and the noble Marquis observed that, after hearing these sentiments, noble Lords were not to assert, that there had been no reaction with respect to the measure before the House.

The Earl of *Gosford* had not been in the House during the speech of the noble Marquis; but he had heard the petition, and felt called upon to express his sentiments on the subject to which it referred. He had the best opportunity of becoming acquainted with the state of public feeling in Belfast; and he knew, beyond the shadow of a doubt, that the wealth and respectability of that town were decidedly and unequivocally in favour of the measure of Reform.

Lord *Templemore* begged pardon for intruding on the House, but after the remarks that were made on a near relative of his, who owned the chief part of the property of the town of Belfast, he must say, that it would have been more consistent if the noble Marquis opposite had given some notice of his intention to allude to his noble relative.

The Marquis of *Londonderry* said, he had written to him that morning.

Lord *Templemore* thought, that the noble Marquis was bound not to make those statements in the absence of the person whom he thought proper to arraign; but he would leave the character of his noble relative in the hands of the House, as he felt that his political conduct needed no defence from him. He could further say, from some knowledge of the town of Belfast, that the sentiments of the majority of its inhabitants were in favour of the Bill, though, at the same time, he begged it to be understood, that he did not throw any imputation on the names that were

subscribed to the petition presented by the noble Marquis.

The Marquis of *Londonderry* was convinced, that the petition he presented contained the true sentiments of the town of Belfast on the subject of Reform. He admitted that the people were in favour of Reform; but there was a great difference between a Reform and that contained in the present Bill. He did not mean to throw the slightest reflection on the relative of the noble Lord; but he had stated the circumstances he did, to show that, though the noble Lords he alluded to at one time endeavoured to keep down the liberal feeling, they were at present doing all they could to excite it in favour of the Bill. Being on his legs, he begged leave to say, that he had received a letter from Bristol, informing him that the communication he had received from thence, and read to the House when an illustrious Duke presented a petition in favour of Reform, was written under a misrepresentation, and that its assertions were unfounded. He felt it to be his duty at the time to read the communication to the House, but he felt equal readiness now to admit that he was misinformed.

The Duke of *Sussex* felt satisfied, that whatever statement the noble Marquis had made was derived from some individual in whose accuracy he had confided.

The Earl of *Eldon* begged leave to say a few words before they went into a debate upon the Reform Bill. He must state, that one principal reason he had for not going into the measure was, that they were called upon to decide as to England, without knowing what was to be done with Ireland and Scotland, for no man could deny, that a change in the Representation of England must have a great effect upon the other portions of the empire, inasmuch as the Peers and Representatives of the three kingdoms were now combined in one united Parliament. On this question, therefore, he wished to observe, they ought not to come to a hasty conclusion with one part, without knowing how it would affect the whole question; he regretted, therefore, that their time should be consumed by arguments relating to the Scotch and Irish Bills, taken separately. They had matter enough regularly before them, and it was not wise for them to enter into arguments upon questions upon which, constitutionally speaking, they were uninformed.

Petition to lie on the Table.

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PARLIAMENTARY REFORM—BILL FOR ENGLAND—SECOND READING—ADJOURNED DEBATE—FOURTH DAY.] The Earl of *Falmouth* was well aware of the disadvantages under which he rose to address the House, after the excellent speeches of other noble Lords who had preceded him, but he was anxious to record his opinion upon a subject of such unprecedented moment. He felt a due respect for the talents of those who had followed the noble Earl at the head of the Treasury, in supporting the Bill; but he did not think they had added anything which ought to induce such an assemblage as he was addressing, to let it go to a second reading. A noble Viscount (*Melbourne*) seemed to confess, that the difficulty in the way of finding seats for members of the Government was, under such a Bill, insuperable, for he talked of a supplementary measure as the remedy; and here was one of the proofs given by the Government itself, that it would be final! Then a noble Marquis (*Lansdown*), to whom he had often listened with admiration and instruction, had avoided, with superior skill, the real point at issue—namely, whether anything like such a change was warranted by experience or example. He had told its opponents, indeed, that they had adopted the principle of Reform, and that their supposed projects were mere quackeries; but he had given no authority, from the past or the present, in favour of the Bill, and he had not shown, that his own panacea would cure the alleged evils. Another noble Viscount (*Goderich*) followed, but he, too, in what might be very good merely as a speech, had made a similar failure, and had been becomingly answered by a reference from his noble friend (*Lord Haddington*) to the recorded opinions of their joint leader, Mr. Canning. And then came the noble Earl (*Radnor*), who had closed the debate of the former evening. Having listened to his remarks attentively, he really could not believe they had any other object than to keep the House in good humour, and relieve the tedium of Debate, for they appeared to him to quarrel with each other irreconcilably, though the confusion that prevailed in a part of them, between the moral and the physical, certainly made it somewhat difficult to remember and reply to them. First, he disliked all changes, but this dislike led him to advocate the most sweeping changes ever proposed.

Then he was convinced, however, that all things in this world must change; for instance, we must all grow old. Now *h* (*Lord Falmouth*) would not contradict that, but he hoped their Lordships were not to be put in another schedule A, and utterly annihilated, merely because they might be growing old. Then the noble Earl said, the Radicals would be satisfied, but in the next breath he told the House, Mr. Hunt would not be satisfied. If *h* had seen the noble Earl in his place, *h* should like to have asked him whether *h* himself was satisfied; for he had said, when the Bill was first brought forward, "I am a Radical, and nothing but the Vote by Ballot will satisfy me." He would tell the House why the noble Earl would not be satisfied. The noble Earl had written a letter, not long ago, to a Mr. Whittle at Manchester, which he held in his hand as printed in *Cobbett's Register*. In that letter he said, that he approved of every thing Mr. Cobbett had ever declared upon the subject, and that he had intended to have brought him into Parliament for Downton; that borough of which the noble Earl said, that he himself was the constituent unit, and where he had a part of a ditch that gave a vote. Did he then mean to compliment his friend by making him the Representative of a ditch? But Mr. Cobbett, unfortunately for the noble Earl, had addressed the people of Manchester in print. The noble Earl entirely approved of Mr. Cobbett. How far Mr. Cobbett was satisfied might be seen by that address. The noble Earl advocated the Ballot, yet the noble Earl assured them, that both himself and the Radicals were satisfied with this Bill, which, with all its radicalism, had not gone quite so far as the Vote by Ballot. He could only look upon the noble Earl's speech as one of propitiation towards his noble leader, whose some weeks ago had given him a pretty severe lecture, when he distinctly said, he was dissatisfied, and could not be otherwise without the Vote by Ballot. With regard to the speech of the noble Earl at the head of the Government, he had heard it with astonishment and regret, as containing all that could be urged in favour of the violent and dangerous measure, for which he had confessed that, he more than any other man, was responsible. He never heard a more striking illustration of the difference between an oratorical effort, and that sound reasoning which it ought

to contain. That younger politicians, unused to power, should think themselves qualified, when suddenly thrown into office, to write down old Constitutions, and create new ones, or that those who had at once consented to abandon the principles of the deceased leader, towards whom they had professed an almost filial affection—that these politicians should rush into mere experiments, even upon the most vital subjects, might not be very surprising; but, although he had searched in vain in the mass of debates elsewhere for a single statesmanlike argument to recommend them, he had to the last been unable to persuade himself that the noble Earl too, scholar as he was, historian as he was known to be, would not be able to point out a single example, ancient or modern, of such a constitution as the Bill, if passed, would engender. True it was, that the arguments used elsewhere, had there put on their gawdy gowns; they had been clothed in the language for which the noble Earl was so distinguished, and which might well form a veil impervious to common eyes; but to their Lordships it would not be impenetrable; and he would confidently ask them, whether, when stripped of the eloquence in which his speech had been arrayed, it was not, like all the rest, a speech of unsupported theory, and unproved expediency. Where were his statesmanlike appeals to history for so sudden, so desperate a change? Where were his precedents? In England, in the seventeenth century, or in France, in these our days? In the past or in the present? In the records of nations, or even the opinions of eminent individuals? He had quoted Mr. Pitt and Mr. Fox as friends to Reform; but had he ventured to say, that either of those great men had ever dreamt of such a measure as that? He should have shown, that an assembly exclusively democratic ever did or could work well in conjunction with a Monarchy and an Aristocracy; that the power of the public purse alone in the hands of such an assembly must not inevitably destroy the necessary balance. Had he done so? or, by way of perfecting his admirable invention, did he mean, that that House should share in the control of the public purse? His whole course of reasoning was obviously incompatible with the existence of the British Constitution. He (Lord Falmonth) would say, as you want a republic, in God's name have one, but do not affront the understandings

of rational men, by asserting that this Bill is, for the preservation of a system composed of King, Lords, and Commons. America, the darling example of the demagogues, had a Republic about as old as the noble Earl's (Grey) political life. They had in England a Monarchy in its present form (dating from 1688), about three times as old. He would say, choose between them if you please, but as to the anomalies that are so objectionable, recollect, America has also her anomalies. In the American Constitution, before any change could be even proposed, the assent of two-thirds of both Houses of Congress must be obtained, and afterwards it could not be adopted without the concurrence of three-fourths of the federal States. Here, then, was a conservative principle in a pure democracy. The framers of the American Constitution knew well the principle of change to be found in the fickleness of the people, and that violent changes are the greatest of national calamities. Though they preferred a Republic to the Monarchy under which they were smarting, they guarded against entire dependance upon popular feeling; they adopted the principle of settlement, and they did wisely. But what would this Bill do here? Would it settle any thing? would it not unsettle every thing? he was astonished that any man could read it without seeing a principle of mutability in every page of it. What did the Americans themselves say of it? His noble friend (Lord Haddington) had read some passages last evening from an American work, published in July, at Boston, and called, *The Prospect of Reform in Europe*, proving, that this Bill had either no principle at all, or that it was founded on what had been aptly called the Rule of Three system. Those passages were unanswerable, but if he had gone further he would have found others still more applicable to the question as affecting the Monarchy, the House of Lords, and the Church Establishment. It was a republican book, of no common ability, remarkable for deep observation, and the closest reasoning. He would therefore beg permission to read from it a little further than his noble friend had gone. [The noble Earl then read several passages, which forcibly argued that this Bill would be destructive of the three branches of the Constitution, observing, that the work should be good authority, as coming from an American, so competent in all respects to deal with the

subject, and that whilst this American rejoiced at the prospect of Reform in England, he ridiculed the assertions that a Republic must not be the natural and inevitable consequence of passing such a Bill.] It would be useless to comment at length upon the details of the Bill. Like other noble Lords, he should avoid doing so, because it had been clearly demonstrated, both in the preceding debates, and in some of the ablest pamphlets ever written, that the whole was one mass of injustice and impracticability. The disfranchising clauses it was impossible to justify; but supposing them to be tolerated, there was a striking vice in the enfranchising clauses. Had the noble Earl shewn, that a delegated Representation was ever a part of the Constitution? One of the essential features of ours was, that it was general, but this Bill, if passed, would make it almost entirely local. This was further lost sight of in what he would call the departmental Frenchified provisions; and were they to be duped or frightened into imitating what had produced one continued scene of change, confusion, and misery in revolutionised France? Rather let them profit, whilst it was not yet too late, by her baneful example. The noble Earl had quoted the cases of the Scotch and Irish Unions to justify disfranchisement. He was afraid it was not easy to defend all the details of those great measures, but their sins were perhaps unavoidable; they had consolidated the interests of the British empire most advantageously; and after all, the noble Earl's whole argument on this point went only to justify injustice by injustice. He had referred to our ancient history to shew, that this Bill proposed a return to the old usage of the Constitution; but he did not shew how or when. He could not do so, for he must well know, that when the king, in those times, issued or withdrew his writs, they were often petitioned against by the enfranchised towns; that population and wealth never were the only guides for enfranchisement, and that writs were often granted as favours to individuals. The fact was, that the Constitution, in its present, as he (Lord Falmouth) would assert, enviable form, had its proper date in the events of 1688. Since then it was, that the charters had been held sacred, and, as their Lordships knew, there had been no instance of disfranchisement without a proved delinquency—not delinquency es-

tablished by the dictum of the noble Earl, but proved at the bar of that House; and if it was not so to be proved, he would ask, what became of the great principle of British law, that all men are to be held innocent until proved to be guilty? As to the franchise being, not property but a trust, he would take it to be a trust; but it was a beneficial trust; and he would ask, whether they were prepared to take every such trust, for instance, the advowsons of church livings, by so arbitrary and unjust a Bill? But then, said the noble Earl, in substance, it is the will of the people, and he had given a history of the period since he entered upon office, by way of proving how calmly and rationally the people had determined upon it. The noble Duke (Wellington) had, to be sure, given rather a different version of this history, and he too would say something upon that head. Were the late returns to Parliament, indeed, the result of calm deliberation? What was the fact? Was not the exercise of the royal prerogative, which the noble Earl advised at such a moment of unprecedented excitement, of all others the least likely to produce the results of calm deliberation? Promises of cheap bread and high pay were held out to a distressed and unemployed populace. The King's name was used, or rather abused, to an extent before unheard of; and the farmers were told, that they should have from the Reform Bill, not a composition or a commutation, but the abolition of tithes. This might not have been authorised by the Government, but it had not been counteracted, or even discouraged, as it ought to have been. He should always think the advice to exercise the royal prerogative at such a moment, the most unjustifiable ever given by any Minister of the Crown. Ostensibly it was to ascertain the feelings of the people, as if that had not been expressed through their Representatives in a constitutional way. Really, by the most industrious excitement, by the Press, by the most inflammatory speeches, coming from men who, with the support of Government, appeared to have its authority; and by all other means that party-spirit could suggest, a popular cry was unnaturally invited and promoted, and the people were thrown into a state of insanity by the most shameful delusions. What was the result? The return of tried, experienced Commissioners, who had not only by property

the largest stake in the welfare of the State, but whose known integrity, talents, and long services, were unimpeachable? No! Sir Edward Knatchbull, Sir Thomas Acland, Mr. Banks, the father of the House of Commons and many others, whose characters could not be raised by any eulogy of his, were rejected; and men more in the situation of pledged delegates than independent Members were sent up to support so violent a change. Blindly and recklessly had they gone to their work, disfranchising large county-towns against the principles laid down by the Government itself, and refusing to discriminate in the face of all consistency, equity, and reason. But after all, what had been the immense majority of votes in these calm deliberate elections? Was it a third, or a fourth, or a sixth, or an eighth? Would it be believed, that notwithstanding the violence and delusion practised upon the people, the majority in the fourteen counties that had been contested had not been one-twentieth of the aggregate votes. The comparative numbers were 16,280 for, and 17,866 against the Bill, together 34,146; the majority being about 1/21 of the whole. Upon this fact all comment was unnecessary. Then, was there no re-action? If the last elections were to prove a feeling for the Bill, were those that had since taken place of no value against it? Why, every one of the recent elections, Dublin, Weymouth, and others, had gone against it, and the fact would, ere long, be proved beyond a doubt, that the cry for such a Bill as that was not the result of calm deliberation, but of the most unnatural excitement. Then, if the noble Earl had not proved that his Bill was the uninvited, spontaneous desire of the people, was there anything else to justify it? Was it to be found in the exclusion of the commonalty from every preferment to which their talents or their services could entitle them? He saw near him his most respected and learned friend (the Earl of Eldon), whose eminence through a large portion of his admirable and most useful life belied the supposition. He would appeal to the learned Lord (Brougham) on the Woolsack, who, at least, he presumed, would not contradict him in that appeal; and when he looked to the Right Reverend bench, he was only reminded how superfluous it was to say one word more on this part of the subject. The vices and grievances of the system had been artfully held

up to entrap the honesty of those who were unmindful that nothing human could be perfect; but the principal vice was not in the system, it was in the vanity and presumption of those who lived under it—that vanity which taught men to despise the admirable institutions they enjoyed, and treat the memory and the work of those who had gone before them with the most arrogant ingratitude. They were trifling with the rich inheritance which their fathers had handed down to them, and, like reckless gamblers, were hazarding upon one desperate throw the rich accumulation of their laborious lives. He was one of those who thought it more for the comfort and happiness of mankind, that Governments, though necessarily imperfect, should be considered as settled, than that the vagaries of theorists, and the wickedness of desperate men, should be let loose upon them to work perpetual change and discontent. But did he not know that the British system of Government was the best that had existed in any age or country? The noble Earl had not even attempted to deny that, and yet would he unsettle it, and with it every thing that constituted its perfection and security. He would ask, was it by such an arbitrary despotic act as that, that his Government intended to promote the interests of freedom? Was it by such legislation as that, they would set an example of honesty to the people? Or was it by such a Bill that, as a part of the State, they would protect and uphold the Protestant Church? The noble Earl had appealed to the right reverend Prelates, as if he would work upon their apprehensions rather than their consciences. He (Lord Falmouth) would not believe, that any of them would support such a measure. His own attachment to the Protestant Church would not be doubted, and even if any of that right reverend bench should be induced to vote for such a Bill, he was convinced it would be from an error of judgment alone; but the right reverend Prelates knew too well the essential connection between the Church Establishment and the balance of power in the State, to be drawn into so fatal a delusion. They could remind him better than he could them of the admirable conduct of the Bishops in the time of James 2nd. The Prelates of that reign gave a tone to the feeling of the people, and taught them to preserve the equipoise of the three estates: not the theoretical

equipoise of the noble Earl, but that which had proved its value by the test of practice. They had then shewn, that they would preserve a Constitutional King, they would preserve now a Constitutional House of Commons; they could not, they would not, support that unprincipled Bill. Well might the noble Earl say, that he introduced it with feelings of unusual awe—well might even his powers of language be suspended, as they had been so unusually at the outset of his address. He had indeed taken upon himself a most fearful responsibility. He had said, he would stand or fall by that Bill; and, for the sake of his manly character, it was to be hoped, that this declaration was to be taken in its plain and usual meaning. Such a Bill as that was strangely framed to show his love of liberty. He could not mean to prove his regard for the freedom and independence of that House by the further intentions which had been, no doubt erroneously, attributed to him. A noble Lord had most unhappily given them a foretaste of a Reform Government, by saying that it had discarded patronage. Did the dealing out peerages by wholesale prove, that the noble Earl had scorned to resort to patronage? He had heard nothing so playfully severe upon the noble Earl's (Mulgrave) own friends as that remark, excepting, indeed, the slip of the noble leader himself, when he had talked of bartered peerages. But the noble Earl was to stand or fall by that Bill; and the most charitable wish he (Lord Falmouth) could offer him was, that whether it were passed or rejected, it might not bring him down in sorrow to his grave. There was one part alone of the noble Earl's speech that had his concurrence, and it carried with it conviction, not because it was eloquent, but because it was true. The noble Earl had told them, in language which he would not attempt to imitate, that the House of Peers could not be separated from the people. They were in truth a part of the people, and they could not prove this more strongly than by rejecting that Bill, since, if it passed, it would be destructive of the real interests of the people. For himself, he would say, let them shew him the necessary reforms in the law, and he would support them—let them point out the imperfections of the Church Establishment, and he would support the correction. In both instances he had already done so. Even

upon the subject before the House, if a measure were brought in, really founded upon calm deliberation, he would consider it maturely, with the sincere hope that he might find it consistent with the noble Earl's solemn promise to preserve the settled institutions of the country; and with his Majesty's Speech from the Throne, recommending that they should be held inviolate—but he would not vote for the second reading of that Bill—he would not consent to destroy the British Constitution.

The Earl of Rosebery said, that after the very long discussion which this great question had undergone, not only in that House but elsewhere—after the serious consideration which every reflecting mind had given to it, from the period of its first announcement down to the present moment (and particularly as the House must be nearly exhausted with the debates which had already taken place within those walls relative to it)—he felt that he should be acting in a most unpardonable manner towards their Lordships, if he did not, in entering into the views and feelings which influenced him to support the principle of this measure, or, in other words, to give his vote for the second reading of the Bill, confine his observations within the shortest possible compass. In doing so he must beg leave, in the outset, to state, that he was not originally a friend to a Reform of the Representation in Parliament; and he mentioned this merely to show, that if he had any prejudice to overcome, it was a prejudice against Reform. He had, however, after much reflection, been brought to the irresistible conviction that this measure was called for by the necessity of the times. At this particular period a great and specific measure was called for. His opinion on the question of Parliamentary Reform had been for a long time this—either that Parliament should adopt a certain principle for a gradual but progressive amelioration of the Representation of the people, or, if imperative circumstances arose which rendered it necessary to entertain the whole question, that it should be entertained under the guidance and direction of the Government, and that a full, extensive, satisfactory, and comprehensive measure should be introduced. The opportunity of acting under the first of these principles had been entirely lost, and particularly it had been lost during the period when the late Government held

the reins of power. When the dissolution of that Government took place, and when all the circumstances which led to it were considered, he thought that the new Ministers would not have acted with proper respect towards the Crown, nor with good faith towards the public (whose feelings were fixed, and whose minds were agitated on the subject), nor with a due regard to all the great interests of the country (in the prosperity of which, peace, order, and content were the principal constituents), he thought that the advisers of the Crown would not, under such circumstances, have acted fairly to the Crown, or justly to themselves, if they had not introduced a great and comprehensive measure of Reform. He must be allowed to say, and he would say it with the highest respect for the character of the noble Duke who was at the head of the late Government, and with that eternal sense of gratitude which he, in common with all his countrymen, felt for the great services which the noble Duke had rendered to his country, but still he must say, that the noble Duke and his colleagues might be fairly considered to be the real authors of the present plan. By their decision against the improvement of the existing system, they left no alternative but the proposition and adoption of some large measure like that to which they were now hastening. It appeared to him, that those who did not, at the present moment, see the necessity of introducing a great and comprehensive measure of Reform, either did not mark the very great alteration which had taken place in the state of society in this country, or they were ignorant of the best means of effecting the necessary changes in our institutions. Those who described the present measure as one bordering on revolution, seemed to him to judge incorrectly. He was the more inclined to think so when he looked to the sources from which, in these days, revolutions were likely to arise, and had, in some instances, arisen; and he conceived that the course which Ministers had taken was the best that could be devised to avert revolution, and to preserve the constitution of this country. He, however, could assure their Lordships, that he was not a blind supporter of this measure. He was not actuated, in the course which he was taking, by any special confidence which he placed in his Majesty's Government, or by any personal attachment which he might feel towards any of the members of

that Government. He would show to their Lordships, if this Bill went into a Committee, that he was prepared to act with the utmost impartiality. He would prove that he was perfectly free from party feeling, by giving his best consideration to the different clauses of the Bill, and by opposing such parts of them as he might deem it necessary to have altered and amended. He had already stated, that he was no blind supporter of this measure because it was introduced by his Majesty's Government; and he had no hesitation in stating, because he never would conceal his opinion from their Lordships, when he rose to address them on any public occasion, that there were parts of this measure which, originally, he wished not to have been there; but he felt that it would now be more injurious to withdraw them than to allow them to remain. There were other parts of the Bill which appeared to him to be susceptible of improvement in the Committee. Therefore it seemed to him to be desirable, that the Bill should be carried one stage further, and then their Lordships would be enabled to see in what respect it might be improved. With regard to the general objects and principles of the Bill, he would say, that unless Ministers had introduced to Parliament a measure, the great outline of which would be to do away with the nomination boroughs, to increase the number of county Members, to give Representatives to the great manufacturing towns, and the new interests which had grown up in the country, to make a considerable alteration in the elective franchise throughout the country, and to effect a decided change in the Representative system of Scotland, they would have deceived the Crown, betrayed the people, and lost that confidence which was now, and he thought justly, reposed in them. That must inevitably have been the effect of their introducing a less comprehensive measure, which would merely irritate, because it would be of a temporary and unsatisfactory nature. To leave such general observations and come to the consideration of the Bill then before their Lordships, and of the most prominent objections that were advanced against it; they might, he thought, be reduced to two, which involved all the others. The first was, that this measure appeared to those who opposed it to be fraught with danger; and next, that it was totally unnecessary. The danger which was prin-

cipally apprehended as likely to arise out of this Bill was, that it would allow too large a scope to democratic influence in the Constitution, which influence was calculated to overturn the weight that now belonged to rank, station, and property, and which was essential to the well-being of the monarchy. With the view, however, which he took of this Bill, he denied that it was likely to produce any such effect. It was true, that the measure would annihilate the political power now possessed by certain individuals in this country, but it was equally true, that it would leave them in full possession of all the influence which they derived from property; while, at the same time, he maintained that it would bring into beneficial action a vast amount of influence and property, which was either wholly extinguished or overshadowed by the power of which he had spoken. If he thought that this measure would produce the destruction, or even the weakening of the just influence of the aristocracy or landed interests of this country, the maintenance of which he thought essential to the order, stability, and good government of the monarchy, he certainly would not defend it. But he was of opinion, that the aristocracy of England would gain as much influence, if not more, as a body, than they now possessed, by the passing of this measure. They would, by the operation of this Bill, acquire a legitimate influence; whereas the influence which they at present possessed, was enjoyed in a manner disreputable and odious; it was wrong for them to desire to retain it, and it might prove destructive of the peace of the country if they determined to do so. Again, it had been said by a noble Duke, a few nights ago, and the observation was repeated by the noble Earl who had spoken last, that this measure would be the means of changing the other House into an assembly of delegates. If he thought that the Bill was calculated to convert the Representatives of the lower House into a body of delegates, to be chosen in such a manner as must subject them to the sway and influence of every breath of popular clamour, or, as would compel them to be guided on all occasions by particular instructions, he would be the last individual to support such a plan—he would be the last man to argue that such a change would be adapted to the circumstances, and suitable to the situation of the country. But

he thought that no such state of things was likely to arise. Looking to the provision of this Bill, and to the experience which all their Lordships must have had, with reference to those who heretofore had been Representatives of large and populous places, he was led to believe, that neither the provisions of the Bill, nor the experience of those elections, could justify any one in concluding that individuals elected for populous places, either counties or boroughs, must necessarily be placed under the direct control and dominion of those who sent them to Parliament. But when he spoke thus of delegation, he thought that those who opposed the Bill on that ground, did not act fairly or consistently towards themselves. He begged leave to ask, what were the majority of those Members who were elected for nomination boroughs? What were they, generally speaking, but delegates? But there was a great difference between delegation from private nomination, and delegation from populous places. To delegation from private nomination there was this great objection—namely, that the power was not exercised for the furtherance of any public object, however absurd, but for the express purpose, either of obtaining pecuniary benefit, or some other personal advantage, which was of importance to the individual who wielded the power of nomination, and most probably injurious to the community. It was also advanced as a very great objection to this measure, that it was very likely to paralyse the proper influence of the executive Government, and to introduce a system which would do away with all that power which Government now possessed, through the medium of nomination-boroughs. He could not, however, suppose that it would have any such effect. He thought the measure would rather tend to disembarass the Government, by severing it from a description of influence and power by which it was too frequently assailed, and which Ministers could not always meet in a manner consistent with what they might believe to be their duty on public questions, and with reference to public interest. The next general objection to the plan was, that it was not warranted by the necessity of the case. He was surprised at this objection, and the more so when he found that it was urged by those who belonged to the late Administration, because the necessity must be notorious to them. The neces-

ality was apparent from this fact, that the late Ministers found it impossible to conduct the Government of the country, in consequence of their refusal to introduce any proposition of Reform to the Legislature. They might now admit, that it would be impossible to carry on the business of the Government without some degree of Reform; they denied that when they were in power, and the consequence was, they were obliged to withdraw from office. Technically, such was not the reason assigned; but he believed that the whole country knew that the Ministers were obliged to retire because they had declared themselves hostile to any sort of Reform. It might now be said, by those who never thought of such a thing before, that it would be well to grant a certain measure of Reform, but not that Reform which this Bill proposed. Now he was of opinion that before they refused the second reading of this Bill, which involved a negation of its principle—a principle which embraced a specific and comprehensive Reform—he thought before they took that step, their Lordships ought to ascertain, with more precision than they had yet done, what this other system of Reform was. If they did not do so, this danger might be the result of their deliberations, that the public might be led to think, and perhaps some of their Lordships might be led to think, in the absence of specific information on the subject, either that no Reform was intended, or such a Reform as would prove delusive and unsatisfactory. If the present measure were rejected, the public would ask, as he now asked, “What measure do you mean to adopt in the place of it?” If they would not agree to the second reading of this Bill—the principle of which embraced a comprehensive and efficient plan of Reform—if they did not suffer it to go into Committee, where an opportunity would be afforded for the consideration of those alterations which noble Lords might think advisable—then their Lordships might depend upon it, that whatever opinion might be entertained in that House, there would be but one opinion throughout the kingdom—namely, that their Lordships either meant to do nothing, or meant to propose a measure which would only delude and deceive the country. No one, certainly, could deny the right of their Lordships to negative this Bill: and he was sure that there was not

one of their Lordships who would more warmly support every power and privilege which they possessed, than he would, thinking, as he did, that those privileges and that power were given to them for the preservation of the just influence of the Crown—for the security of property—for the maintenance of public peace and order—and for upholding the best interests of the community. But he confessed, considering the circumstances under which this Bill was introduced to their Lordships, he had some doubt whether they would not be travelling out of the limits assigned to them by the Constitution in rejecting it. He would beg leave to trouble their Lordships with some of his reasons for entertaining that opinion:—In the first place, this was a Bill introduced into Parliament by the Ministers of the Crown, considered to be necessary by the unanimous sentiments of the Cabinet, and of a Cabinet, too, some of whose most influential members had heretofore been opposed to Reform, but who now were only convinced of its necessity by the irrefragable proofs of that necessity which the state of the country afforded. Next, this Bill was sent up to their Lordships by an overwhelming majority of the Commons House of Parliament, and supported by a unanimity of feeling in the country such as no public measure had ever before received. But it was said, that the feeling of the country had undergone a considerable change on this subject. Where, he would ask their Lordships, was the evidence of that change? Was it to be found in the petitions which had poured in to their Lordships from every part of the country—certainly not all in favour, but of which a preponderance so great was in favour, not only of Reform, but of this very plan of Reform, that, and he said it with no disposition to exaggerate, it must be evident to their Lordships, who had seen them presented, left the petitions on the other side in a most miserable minority. Of those petitions which purported to be against the Bill, it was found, when they were examined with more than the attention usually bestowed upon them, that many of them did not pray against the principle of the Bill, but asked their Lordships to do that, which he asked of their Lordships as sincerely as any of the petitioners—namely, to give to the subject before them their most earnest, calm, and deliberate consideration. Was it, then,



singular that he should say, that it would certainly be inexpedient, and he ventured to affirm, even travelling out of the limits of those duties which the Constitution had intended their Lordships should perform, that when a measure thus recommended by the Crown—adopted by an immense majority of the House of Commons, to which House alone its enactments related—supported by the almost unanimous wish of the country—they should be the only persons in the State, acting as a body, who opposed its progress? The noble Lords opposite, who had strongly objected to the Bill, seemed to lament chiefly that the Bill should exist—though they could not deny, that the necessity for it did exist, or that, as a remedy, it would not be sufficient to avert the threatened danger. In a constitutional point of view, then, it did appear to him that it would be useless and highly inexpedient for their Lordships to reject this measure. But suppose they rejected the Bill, or (to use the more courteous mode of disposing of it, which its opponents, on second thoughts, had adopted) succeeded in the motion, “that it be read a second time that day six months,” did they think that, ere long, another Bill, containing the substance and leading principles of the present measure, would not be passed by Parliament? There was no doubt that it would, but with this deduction from the merit and advantage of it—that it would not give the same content and satisfaction—that it would not stop agitation, or arrest the danger of tumult as effectually as it would do if it now received their Lordships’ sanction. This Bill, if it now received the approbation of their Lordships, would put an end at once to all agitation and excitement, and would afford the relief which was required. But all these graces and advantages would be taken away by a tardy, and, as it would appear to a large portion of the community, a reluctant concession. A noble friend of his who spoke on the first night of the Debate—with great sincerity, as he always did, but on that occasion not with his usual acuteness, or with the fairness and candour for which he was distinguished on other occasions—suggested that this measure should be postponed for two years. But, in what he did not consider a fair or candid tone, his noble friend added, that it would not suit Ministers to have it pass now, as they

wished to hang up the question for a time for the sake of agitation. Was it, he would ask, fair of his noble friend to taunt Ministers with a desire to keep up agitation for the sake of continuing in power, at the moment when they were using their utmost exertion to pass a measure by which agitation would be set at rest? An appeal had been made to them to discharge their duty as Peers. He, for one, would answer to that appeal, but he thought that in the first instance it became them to consider calmly and seriously what that duty was; and he would ask, could they consider it a duty to reject a measure recommended by the Crown, adopted by an immense majority of the House of Commons, and supported by the general voice of the country? Could it be their duty to say at once that they would not adopt the principle of the measure, or that they would not even inquire how far its provisions might be modified, so as to make it beneficial to the country in the estimation of those who were opposed to much of this Bill, but not to the principle of Reform itself? Was it their duty to reject it, when even by its most determined opponents it was admitted, that it would be impossible to delay much longer the adoption of some measure of Reform? He had given this subject much attention, and was impressed with the necessity of now passing a measure of Reform, and with the advantage of the general provisions of this particular Bill; but, even if he had not so favourable an impression with respect to it, he should still consider it his duty to act in a friendly manner to a measure so introduced, recommended, and supported, and to give it at least the benefit of a fair and impartial examination. He would do that with respect to it which the courtesy of private life would require. Even if he did not approve of much of it, he would act with civility to it. He would not reject it at once, but would so far attend to the wishes of the people whose voices had been raised to recommend it, that he would inquire how far its principle might be improved in the detail, and whether it might not be possible to make it—to change it, if they would—into a measure that would satisfy the wishes of all parties. He would, therefore, even if he were opposed to much of the Bill, give his assent to the second reading. This was all he now called upon their Lordships to do. The vote to which they were about to come would pledge

them to no more. They would afterwards inquire how far the principle which they admitted could be modified so as to make the measure in accordance with the feelings of the majority of their Lordships. He could add many other considerations which suggested themselves to him at that moment, but, considering the long discussion that had already taken place, and the great attention with which he had been heard, and for which he begged sincerely to thank their Lordships, he would not now trespass further on their indulgence.

The Earl of *Carnarvon* said, that being extremely anxious to hear, if possible, all the grounds and arguments which Government could urge for the important change now proposed—a change so extensive that, with the exception of two parts, it might be well called the formation of a new Constitution—he did intend to wait until all the members of Government in that House had delivered their opinions, for certainly up to that moment he had heard no statesman-like view taken of the question. He did not mean to say, that the speech of his noble friend at the head of the Government, in introducing this Question to the House, was not replete with his accustomed eloquence, and was not distinguished for great talent and ability; but it did not embrace that Statesman-like view of the case he had looked for—it did not detail to the House, as he had expected it would, the practical evils which required so vast a change, and the practical benefits which might be expected from this Bill, and what would be the general operation of the whole measure. Never, in his experience, had a bill been introduced to that House, of the practical effect of which so little had been said. Why, in a common turnpike-road bill their Lordships might naturally expect to hear something of the state of the road which it was proposed to improve—of the necessity for its repair, and of the advantage that might be derived from its improved condition. Not having heard any thing of this kind with reference to this Bill—not having heard any statement of the practical defects of the present system, and of the manner in which those defects were to be remedied by that which was proposed in its place, he was disposed to wait until all the members of his Majesty's Government in that House had delivered their opinions; but after the discussion had been so much protracted without affording him that op-

portunity, he was afraid that if he did not then address their Lordships, he should not have sufficient strength to do so at a more advanced stage of the debate. They had, however, gained one step in the discussion, by the speech of the noble Earl who had just sat down. Hitherto they had been given to understand that the question was not, whether it should be Reform or no Reform, but whether the Reform should be that particular plan which this Bill recommended; but now the noble Earl had invited them to consider whether it was the specific plan which ought to be adopted, or whether it might not be modified so as to meet the wishes of their Lordships as well as of the country; in a word, whether they might not make it such a measure as would satisfy the people. Now, unless their Lordships were prepared to come to the conclusion—unless they were prepared to leave the Bill nearly as they found it—would it not be an insult to the people in their present excited state, to say to them, that their Lordships would admit the principle of the Bill in the first instance, but would afterwards so alter it as to make it a totally different measure? Would it not be more fair, and manly, and consistent, to say to the people at once, that the Bill was such as they could not agree to, than to hold out hopes to them which could not be realized? His noble friend had stated, that their Lordships had a perfect right to reject the measure if they pleased; but he added, that in doing so they would step out of the limits of that duty assigned to them by the Constitution. And why?—Because, in the first place, the Bill had been recommended by his Majesty's Ministers—by men who had never before agreed upon the Question of Reform, but who, now that they did concur, had a marvellous unanimity; by those who at all times heretofore were strong against each other on this subject, but now, after three short months' deliberation, they were united upon it as one man—

————— “in unum

“Consentire omnes et ab uno sidere duci.”

He did not mean to impute any thing wrong to the members of the Government for agreeing now on points on which they before differed. For some members of the Government he entertained a sincere affection—for all a high respect. All of them were, he believed, actuated by the most patriotic motives in the discharge of

their duties to the country. To all, then, he gave full credit for the purest motives. Of his noble friend (Earl Grey) at the head of the Government, he might say, that he had always looked up to him as a man not more distinguished by the splendor of his talents and abilities in public, than by the greatness of his virtues in private life; uniting in himself in both capacities, that manly candour, and that great firmness, which insured him the respect and admiration of all who knew him. He felt it but an act of justice to say this, as he had been accused on a former evening by his noble friend, of some bitterness, in objecting to the Government for mixing up with the question some cavils at points which could make no real difference at either side in the result. He made the objection at the moment, because he felt that his noble friend was only grasping at a straw, to use it for a walking-stick. He repeated, then, that for the members of Government, as individuals, he had the highest respect, but he differed from them on this question of Reform so much, that he could scarcely convey, in words not personally offensive, his objection to their plan, and to the manner in which it was attempted to be forced upon that House and the country. His noble friend who last addressed the House, had put the adoption of the Bill on a footing on which, certainly, he was not prepared to hear it urged. He had put it as a question of courtesy between Gentlemen. This House, his noble friend contended, would not, he was sure, out of regard to civility, reject a Bill which had been recommended by the Crown, adopted by a large majority of the House of Commons, and supported by the general wish of the country. The Bill, he said, was sanctioned by the Crown, and introduced by his Majesty's Government. This was using two phrases to express the same thing. His Majesty was, of course, advised by his Ministers, and the act of the Crown was no more that of the King in this instance, than any other act of the Government in which the name of the King was used. There was no doubt that the recommendation from the Throne was entitled to their calm and most serious deliberation. But were they not giving to the question before them that deliberation? Were they not sitting there day after day, in order to consider the measure with the most serious attention? But his noble friend would have them go

beyond this, he would have them sanction the second reading; but for what? Was it that they might now definitively adopt the measure? Yet if that were not likely to be the result of allowing the Bill to be read a second time, would it not, he asked, be deceiving the country with false hopes, to assent for a time to a plan which their Lordships believed could not be adopted without producing the most serious evils, and even subverting the Constitution, and which they must, therefore, ultimately reject? He was disposed to approach the question calmly, and without fear. He said without fear, not that he thought the discussion of the measure was unaccompanied with danger, but because the only way in which the danger could be met or avoided was, by doing their duty honestly but fearlessly. That was the only safe course they could steer. He was ready to admit that the people were in a state of great excitement; but that excitement, and the dangers arising from it, would be doubled and trebled by any concessions made through fear. He would not say that his Majesty's Ministers had used to their Lordships the language of intimidation; but, except their account of the state of excitement and irritation in which the country was placed, he had not heard from them any one reason for the adoption of one of the greatest changes that had ever been made at once in the constitution of a State; and certainly, whether their wish was to intimidate others or to show that they themselves were afraid, the only note he heard from them on this occasion was the note of fear. But if the Government was afraid, their Lordships, he was sure, were not. If there was any danger, they would, he had no doubt, meet it, as the danger had been met in the reign of George 3rd, when Mr. Pitt, by his wise and statesman-like policy, gave a safe direction to the passing frenzy of the people. He approached the discussion without any personal fear, and he spoke on this subject without any feeling of personal interest; for there was not a borough in the United Kingdom of which he could influence the return. He had no interest, therefore, in this question, beyond that which was possessed by every man anxious to uphold those ancient institutions under which the country had so long prospered. He might, perhaps, obtain influence under the new system, though he could acquire none under the old, but that could not make

him partial to any violent and sudden change, more particularly a change which would convert our monarchical form of government to a democracy. He had no reason to suppose that the change proposed would be more permanent than many other changes their Lordships had witnessed. Their Lordships had seen abundance of changes in the governments of Europe within a few years. They had had French republics by the score, they had Ligurian, Helvetian, Cisalpine, Transalpine, and other republics of all sorts and denominations, the creations of the day's fancy, and the victims of the morrow's spleen. Each of those republics had more care and more philosophy employed in the construction of their constitution than had been devoted to the clumsy Bill he held in his hand; yet what had become of them? They had all passed away, leaving behind only the bitter recollection and great misery of the people. With the experience which their Lordships had of these frequent changes of government in other countries, and their results, were they now prepared, at so short a notice, at this unusual season, when they were even chided by the petitions of the people for the delay that had already taken place—were they, he asked, prepared to adopt at once this most extensive change in the whole system of the Representation of the country? But this was not the principal ground of his objection to the motion then before them. He objected to the second reading of the Bill, because he had not yet heard any one argument to show that this great change would be productive of any practical advantage to the country. Ministers indeed asked, could there be any necessity for discussing such a question as this in the 19th century? Of what use, then, was the introduction of a measure of this kind if it were not to be discussed? But a year and a half, or two years ago at most, and far into the 19th century, it was well known, and was so declared by members of the present Cabinet, that there was no necessity for Reform, that the question even was considered so much a dead letter that the people would give themselves no trouble about it. The whole of the present excitement then on the subject, had been the growth of the last year and a half, which had been fertile in changes of government in different parts of Europe. Revolution abroad had produced agitation at home. The greatest

excitement, it was well known, had been produced in this country from time to time by changes abroad. Any one who remembered the French Revolution as he did, must recollect the excitement it produced in this country. He knew the Whigs of that day, and here he would say, let no man charge him with any change of opinion; he never gave a vote in the Whig Opposition of that day; he supported the general measure, of Mr. Pitt's government until the rupture of the peace of Amiens, when Lord Grenville made a co-operation with Mr. Fox, and he then joined that party, but he had never made common cause with them on the subject of Reform. Indeed, from that time to the present, it had not been made the watchword of a party, and was considered an open question, on which each man was allowed to exercise his own judgment and form his own opinion. For his own part he always thought, that Reform to be useful, ought to be gradual, and when any cases of corruption in boroughs arose, he was disposed to apply a remedy, for in this way alone could Reform be safe. He was, therefore, not prepared to take that sudden and violent leap which was proposed in this Bill. But it was asked by his noble friend who spoke last, and by the noble Marquis (Lansdown) who spoke last night with much ability, what would those noble Lords who opposed the Bill do, what nostrum were they ready to supply if this quackery should not be found applicable? But who were those who asked the question? They were his Majesty's Ministers, united for the first time on this question, with an attachment which was ardent because it was new, and who would persuade their Lordships to swallow this love-potion which they had provided, and which had made them so amicable to each other. With no great consistency of argument the noble Lords contended, that because they themselves were agreed upon the plan they proposed, all those who opposed it must also be agreed upon the grounds of their opposition. But why call on the opponents of that Bill for any plan of Reform, when the Ministers themselves would not could not inform the House of the practical effect of their own plan? That, however, like the details of the plan itself, which were kept a profound secret till the Bill was laid before Parliament, was a mystery that time only was to reveal.

When those details first burst upon the ears of the public, it was astounded. Certainly, the present Administration was entitled to whatever praise belonged to being the most close and least communicative which the country had seen in modern times. The details of the Reform Bill were first so well concealed, that no one even got a glimpse of them until they were made known in Parliament. Its practical effects were still a hidden mystery; so was the Budget. These two secrets were so well kept, that no one out of the Cabinet knew of them, and no one in the Cabinet could understand them. And after all this, it was gravely asked of noble Lords who opposed the Bill, whether they had agreed upon any plan of Reform. The noble Lords opposite, indulging in taunts which became them of all men the least, said, that each of the opponents of their Bill must be prepared with a new constitution at an hour's notice, and not only with a new constitution, but also with the same new constitution. Now, with all deference to these noble Lords, this was demanding a little too much from his side of the House. He would put a familiar illustration to their Lordships, to show the absurdity of this demand. He would suppose that his noble friend opposite should have occasion, as no doubt he might have, to engage a new cook, and that, having engaged him, he called his friends around him to dinner, in order that they might favour him with their opinions as to the merits of this new *artiste*. Suppose that his friends, when called upon for their opinions after dinner, should say, "As you have called upon us to declare frankly our opinions as to the state of your dinner, we feel ourselves bound to tell you, that except a little dish of college pudding, there was not a single dish on your table that we could eat:" would they not then be surprised to hear his noble friend reply to them in this strain, "You are discontented with every dish from which you have eaten, go therefore into my kitchen, and cook me another dinner." Would they not on hearing such a reply say, "If you impose this duty on us, my Lord, give us possession of your kitchen—let us go into it with our own nutmegs and our own spices, and if then we don't provide you with a dinner to your taste, you may then, but not till then, complain of our want of skill and invention?" The noble Viscount the Secretary of State for the Home Department, told

their Lordships that this measure was almost too large for one debate. So perhaps it might be: but if that were the case, it was strange that it had never struck the noble Viscount that it was also too large for one Bill. Indeed, it was large enough for a dozen bills; and some of its clauses were, in point of importance, equal in themselves to as many bills. Indeed, one of his objections to this Bill was, that it made a Constitution, and it was quite evident that no Constitution could be made by a Bill. In making that assertion, he wished it to be distinctly understood, that he was no enemy to a Reform made wisely, temperately, and gradually, resting on experience, and defended by reason and analogy. He had been often asked to what extent he would go in such a Reform. To that question he answered, that there was no point at which he would attempt to arrest human improvement; but then he must be convinced that what was proposed to him as an improvement was really an improvement, and when that was done, he would give it his ready and willing assent. Having already assured his noble friend (Earl Grey) that he had always felt for him the strongest regard and affection, he might address himself to some expressions which fell from him on the first night of this Debate. Whether his noble friend alluded to any expressions which fell from him on former occasions in favour of gradual and progressive Reform, and whether his noble friend included him in the number of the most "diminutive nibblers at bit-by-bit Reform," he knew not. He had no pretensions to be considered a Statesman, and, therefore, it would be no matter of surprise to him if he were ranked among the small fry of Anti-reformers. This he could say, that there was no degree of diminutiveness that his noble friend could attribute to him that would not, in his opinion, exceed his dimensions; but in compassion to his insignificance, and in order that they might discuss this great question upon something like equal terms, he would prevail upon his noble friend to shrink his greatness, if he could do so without disparagement, for a short time, and, excelling even the notorious conjurer at the Haymarket, let them endeavour to put, not only one man, but two into the space of a quart bottle. When there, we will argue this great question of Reform, and the merits of the proposed change in our Constitution. Here he could not pre-

tend to raise his nerveless arm against his acknowledged power. He could not affect to compete with his noble friend in this place in eloquence or in argument. To equal him he must, in fact, be the same, since "none but himself can be his parallel;" but he should at least have a better chance if, for a brief space, his noble friend would consent to reduce himself to his insignificant dimensions, and if they proceeded to moot the point on the footing only of two of the celebrated sages of Lilliput. Nevertheless, when speaking of the high talent of his noble friend, he could not but recollect with pride the glorious constellation of genius and eloquence with which his noble friend and he were contemporaries in another House of Parliament—a constellation exceeded in number and lustre at no period of the history of any country of the civilized world. There was a Fox, a Pitt, a Wyndham, and a Burke; and he well recollected, that even in their days the noble Earl was always reckoned mighty among the mightiest. He had recently had the good fortune to light upon one of the most eloquent speeches which he had ever read, made in defence of a bit-by-bit Reform, not by Charles Grey, but by Earl Grey, on the 13th of June, 1810, when he brought forward a motion in that House on the state of the nation. His noble friend, after stating to the House that the question of Reform had long engaged his most serious contemplation, proceeded to observe, that after a lapse of twenty years, he was not inclined to look upon it in all respects precisely in the same light as he had done at an early period of his life, when he pursued his opinions with all that eager hope and sanguine expectation which were so natural to the ardour of youth. His noble friend then said—"Though I am disposed soberly and cautiously to estimate the principles of the Constitution—though, perhaps, I do not see in the same high colouring the extent of the evil sought to be redressed, and am more doubtful as to the strength and certainty of the remedy recommended to be applied;† would to God that his noble friend had still entertained some doubts as to the certainty of the remedy which he was now going to apply to the disease of the Representation! But his noble friend proceeded—'still, after as serious and dispassionate a consideration as I can give, to what I believe the most important question that can employ your Lordships' attention, it

'is my conscientious opinion, that much good would result from the adoption of the salutary principle of Reform, gradually applied to the correction of those existing abuses, to which the progress of time must have unavoidably given birth; taking especial care that the measures of Reform to be pursued should be marked out by the Constitution itself, and in no case exceed its wholesome limits." It appeared from this extract, that when his noble friend exerted the powers of his eloquence to recommend what he considered a judicious Reform, he advised their Lordships to proceed gradually, step-by-step: but now, when his noble friend thought proper to exert his powers of ridicule, he laughed to scorn any plan of Reform that was to be accomplished bit-by-bit. But he was sure that the House would agree with him that a step-by-step Reform, and a bit-by-bit Reform, though they might be different in metaphor, were the same in substance. Again in the same speech, his noble friend said—"I am ready to declare my determination to abide by the sentiments I have before expressed, and that I am now, as I was formerly, the advocate of a temperate, gradual, judicious correction of those defects which time has introduced, and of those abuses in the constitution of the other House of Parliament, which give most scandal to the public, at the same time that they furnish designing men with a pretext for inflaming the minds of the multitude only to mislead them from their true interest. To such a system I am a decided friend: wherever it shall be brought forward, from me it shall receive an anxious and sincere support. But as I never have, so I never will, rest my ideas on salutary Reform on the grounds of theoretic perfection."† He (the Earl of Carnarvon) had not yet done with this subject. High as was the authority which he had already quoted in favour of his system of bit-by-bit Reform, he had to quote a still higher authority to the same effect. It was no disparagement to the noble Earl to state, that the authority to which he was then going to refer, was higher authority, because, in the first place, it was his own in the maturity of his experience, and the perfection of his talents, and next,

\* Hansard's Parl. Debates, vol. xvii, p. 559, 560.

† Ibid. p. 560.

he did not mean to say that they had not—and then they would have all that was necessary to save their country. The only hope of the country rested upon the firmness of their Lordships—and that hope was, that their Lordships would give it that breathing time which it required, and to the Ministers, who had no temper left, that temper, which would lead them to consider solemnly the situation in which they stood, and the determination not to render it more desperate for themselves, more dangerous for the people. If their Lordships should reject this measure, because, though it was not bad in parts, its whole was of such an obscure and complicated nature, that its perplexities could not be unravelled without exciting great disappointment in the country, and if the Ministry would then bring forward a plan of Reform less sweeping in its nature, and more temperate, gradual, and judicious, he would not be found in the ranks of their opponents. Ministers might depend upon it that if, instead of indulging in vapouring speeches about standing or falling by this Bill and by no other, they would apply their energies to the formation of a more cautious and more judicious measure, they would be infinitely more certain of success. The noble Marquis, who addressed the House at such length the night before, had amused the House very much by his very eloquent and entertaining speech, and yet he must say, that knowing the great talents and varied information of the noble Marquis, the noble Marquis had much disappointed his expectations. He had been waiting for some time in expectation of hearing an explanation of the reasons why they were to destroy the Constitution of their ancestors at a single blow. He had expected that he should have received that explanation from his friend, the noble Marquis; but no; his noble friend, instead of touching on that subject, proceeded to an examination of the speech of his noble friend near him (Lord Harrowby), and after commencing his observations by a threat that he would refute all his arguments, concluded without refuting one of them. His noble friend had told their Lordships, that his Majesty's Ministers had been bold enough to put to sea, in spite of the dangers and perils with which their voyage was threatened; and he really believed that the noble Marquis was half seas over, when we poor frightened

mariners had only dropped down as far as St. Helen's. The noble Marquis had proposed to set sail in that frail, fatal, Admiralty barge, "built in the eclipse, and rigged with curses dark," which had been unfortunately capsized in its first expedition. To put to sea, and to embark the Administration, with all its future hopes and fears, on board of that perfidious vessel, was, indeed, a bold project on the part of Ministers. In spite of all the entreaties of their friends, and all the ominous warnings of the wind and weather, they had set sail on their adventurous voyage, determined to cling to that vessel till she sank. He believed that they would cling to her, according to their avowed declaration. Yes; they would cling to her, but not as the royal standard, which made her the envy and admiration of all beholders; they would cling to her, but not as the rudder, which had conducted her victorious in many battles through the broken lines of hostile fleets, and which had steered her repeatedly in safety through winds and storms into the harbour of safety—they would cling to her like barnacles—yes, like barnacles to a vessel, to impede her navigation, until the good ship lingered behind the breeze, though she had formerly been accustomed to run before the storm. Yes, they would cling to her until she sank in depths unfathomable, never to rise—never to float again. But if such should be her destiny, whilst she had on board all the prosperity of her country, would a spectator looking from the shore on her shattered timbers sinking in the troubled elements, which her crew had created, not be forgiven for wishing that she had been placed under a more cautious captain, and kept in till the storm was passed, safe at her ancient moorings at St. Helen's, still bearing aloft in splendor the royal standard. He would not enter into the numerous objections which had been made by his noble friend near him, all which yet remained unanswered; but there was one objection which seemed to him so forcible, that he could not avoid referring to it. The basis of population had been adopted as the criterion, both for disfranchising and enfranchising boroughs. Now the basis of population was no ingredient in the basis of the British Constitution. If Ministers had appealed to property, or to taxation, as a criterion of property, they would have appealed to a principle on which the safety of the

country might perhaps have rested. But the principle of population, taken as a basis of a system of Representation, must, as a matter of course, lead to revolution. It was the basis on which the enemies of the Monarchy and the Peerage rested all their hopes of destroying both, by opposing numbers to property. He lamented excessively that Ministers had adopted this basis: by adopting it they had sold themselves to the spirit of discord, and, according to the usual termination of such legendary tales, that spirit was to be their tool and instrument for a session—and they were to be his slaves for ever. With regard to the nomination boroughs, he would frankly avow, that he was no friend to that system; and if any plan could be devised, by which the three orders of the State could be perpetuated in safety without them, he, for one, should be glad to get rid of them. What, however, he objected to was, that Ministers proposed to sweep away all the practical institutions of the country at once, without having any tried and definite measure to propose in their stead. The responsibility of Ministers could not be secured unless there were certain means of their obtaining seats in either House of Parliament. It might be said, that the right of impeachment would still exist. Impeachment never could be applied to an ambitious Minister in the plenitude of his power; but could only be used as an instrument of vengeance against the fallen. Had any of their Lordships read, in the history of any time or country, that an ambitious and able Minister, aiding a usurping power in the State which was inconsistent with the liberties of his fellow-subjects, was ever arrested in his career by the fear of death, not to occur in the progress of his acts, but to arrive by the slow and doubtful process of subsequent impeachment? At the same time, it was impossible for the most able Minister and most ill-intentioned man the country ever saw, to do much injury to the country, or materially to trespass on the rights of the people, if he were subject to be daily questioned in Parliament. The noble Earl said, that Ministers who possessed the confidence of the country, would be sure to obtain seats in the House of Commons, by means of the elastic power of the Constitution. The noble Earl, however, abrogated this elastic power by the Bill. It was by the nomination boroughs alone that the presence of Ministers in Parlia-

ment, and, consequently their practical responsibility, were secured. It was not, however, by that alone that the liberties of the country were secured. The liberties of the people had, at all times, and in all countries, been endangered by men of great ambition and ability, as well out of power as in office. It generally happened, however, in this country, that men of such an aspiring character found their way into the House of Commons. Thus the battle, which in other countries might have desolated the land with blood, was fought bloodlessly in the arena of that House, and the contest became a mere war of words, instead of swords, and of argument and reason instead of muskets and cannon. This provision for the admission into the Legislature of the persons to whom he alluded, existed in our Constitution less by the contrivance of politicians, than by a happy chance. When an ambitious man entered the arena of the House of Commons, he was not fool enough, whatever his opinions might be, to overthrow the theatre of his own display. Since the system had existed, Whig and Tory had united in maintaining the privileges of Parliament, and, by so doing, they had maintained the real liberties of the people. If the abuse of this system could be got rid of by the substitution of a better system, he would give his support to the work. He would, however, resist this Bill, because it went a great deal too far, and because he thought, that it was not beyond the province of the House of Lords to dissent from the House of Commons, and to reject a measure which Ministers had proposed, and the people approved of. Indeed, he thought that it was the peculiar province of the House of Lords to resist precipitate legislation. He did not wish that their Lordships should have and practise the power of permanently opposing the wishes and feelings of the country; but he thought, that time should be allowed for consideration—that the people should not be hurried from one general election to another—that they should not be tampered with by the delusions (not put forth by Ministers, because he believed them to be honest) which were practised at every general election. A general election was always a period of unusual excitement. He would appeal from Philip drunk to Philip sober. He would wish the people to have an opportunity of calmly considering, not whether they de-



served Reform (that, he believed, was all which the sober-minded portion of the nation wished for), but whether they would have all the enactments of the Bill involving a change, which put at the hazard of a single cast of the die the very existence of the Constitution. It was in order to afford the people time for consideration, and, if he might be allowed to say so, to give the Ministers themselves an opportunity of cool reflection, if they would avail themselves of it, that he implored their Lordships not to pass the Bill. Upon the subject of nomination boroughs, he would take the liberty of directing the attention of their Lordships to an observation which was made by one of the French Ministers previous to the late disasters in that country. M. Martignac being asked whether he thought the French charter could be much longer maintained, replied, "How can you ask that question;—how is it possible for us to contrive any thing to stand in the place of your close boroughs? and without that being done, it is not possible to carry on the Government." Before their Lordships came to a vote, he would ask them, whether the history of the world afforded any evidence to prove, that a Constitution composed of King, Lords, and Commons, the one voting on its prerogative, the other on their privileges, and the third on their constitutional rights, derived from popular election, could or did co-exist? Did they ever do so in this country? He thought not. If we looked back to our old history, it would be found, that there was a perpetual collision between these powers. At one time, when a vigorous King reigned, he possessed almost absolute power—at another period, when a weak King occupied the throne, he was imprisoned and murdered. Sometimes the Aristocracy were the masters of the country, and individuals of noble families were the setters up and pullers down of kings. To advance a little further into the examination of our own history, when the House of Commons obtained greater power, we found the Monarchy destroyed and Peerage set aside. Up to the time of the Revolution, which used to be called the glorious Revolution, and differed very much from the revolutions which were now frequently occurring around us, there was a constant struggle between prerogative and privilege. Since that period the collision had ceased, and the people had

enjoyed real practical liberty. The people were free, and the best proof of that was to be found in the impartial administration of justice. Did any man, who was to be tried by a Jury, now regard what the wish or opinion of the King might be? Such, however, was not the character of our legal tribunals when a Jefferies sat on the Bench. No: they had acquired it only since the much abused system of anomaly had been established. The supporters of the Bill said, that the existing system might be made more perfect. If they could improve it, he would say "in God's name do so;" but not by adopting a plan which appeared specious enough at the first blush of the question, but which, if it should fail, would ruin the country for ever. If their Lordships should adopt only such parts of the plan at first as appeared safe, they would have it in their power to proceed further: in legislation it was easy to proceed, but difficult to turn back—

— "facilis descensus Averni  
Noctes atque dies patet atri janua Ditis;  
Sed revocare gradum, superasque evadere ad  
auras,  
Hoc opus, hic labor est."

With respect to giving the large manufacturing towns, such as Leeds, Manchester, Glasgow, and Birmingham, a share in the Representation, he was willing to take that point into serious consideration. As an evidence of his sincerity in this respect he would state, that he had himself witnessed the inconvenience which resulted from those places being without Representatives. He knew, however, that, indirectly, and practically, these large towns enjoyed Representation under the existing system. The progress which they had made in wealth, the great capital and immense population employed in them, compared with similar places in other countries, must satisfy their Lordships that their interests had never been neglected in the present House of Commons. The most theoretical Reformer had never contended, that the manufacturing towns required Representatives because their interests were neglected. His quarrel with the Bill was, not because they enfranchised these places, but because it disfranchised all their wealthy inhabitants. How did it do this? In the first place, the indirect avenues to Representation were closed against them. It would be said, however, that they would obtain direct Represent-

ation. But were the supporters of the Bill certain that the three shilling and tenpenny weekly constituency was calculated to afford protection to the capital of the great towns? were they enfranchising the wealth or the poverty of these places? Let the supporters of the Bill consider whether they would not disfranchise and nearly annihilate the wealth and intelligence of those towns?—whether they would not give power, not to the frame-makers, but to the frame-breakers?—whether they would not establish such hot-beds of sedition and violence, as would compel wealth, capital, and talent, to disappear from their present abodes? It was not in the power of legislation to fix capital to any particular place. He might apply to capital, the lines which the poet had penned upon a more agreeable and poetical subject. Capital—

—“free as air, at sight of human ties,  
Spreads its light wings and in a moment flies.”

These were his reasons for hesitating to give power into the hands of those who would expel or destroy the capital from which alone they derived their subsistence, and leave themselves in a state of perfect destitution. The noble Earl opposite (the Earl of Radnor) said, that the Bill would be a final measure—that the Radicals wished for nothing beyond it. Where the noble Earl had looked for the facts upon which he founded this opinion he knew not; nor did he know whom the noble Earl denominated Radicals. Had the noble Earl read (he thought he might) the address of William Cobbett, to the electoral body which the Bill proposed to create in Manchester? That most able writer (for a most able writer he was for his own purposes) was not likely to address to those whom he expected to become his constituent body, pledges and opinions which he knew would give them offence, and prevent any one from voting for him. Could the language of Revolution be more strongly expressed than it was in that address? Noble Lords said, that when the Bill should be passed, they would oppose the Vote by Ballot. How could they do so? A rising man, who had been brought forward by the Bill, and was to be one of its future supporters in the House of Commons—whose powers of eloquence all who knew must admire—had addressed his opinions to the new constituent body at Leeds, and pledged himself, in opposition to all the pledges of

the Government which he supported, which perhaps would not avow his opinions, to support the Vote by Ballot. A member of the Administration, and the leader of the House of Commons, had declared himself an admirer of the Vote by Ballot. Let not Ministers suppose that they had by their wonderful contrivance leaped at once beyond all the expectations of the Reformers, and left the Question of the Vote by Ballot so far behind that it could never overtake them. Let them look to what was going on around them, and they would be soon undeceived. He distrusted the sincerity of those who said, that they would resist further concession, for if they were sincere, they did not possess power to carry their intentions into effect. The three-and-tenpenny and 10*l.* voters, were precisely the description of persons who, from their being condensed in populous places, and from their being employed in manufacturing towns in similar occupations, were most liable to be improperly excited. They were persons on whom agitators and itinerant orators were most likely to exercise an improper influence. Above all, they were persons who had lately formed themselves into Political Unions and Associations, the very existence of which, for any length of time, he believed to be inconsistent with the existence of any government whatever. These associations had their origin in the political Jacobinical clubs of France at the period of the Revolution in that country, whose blighting influence nipped in the bud the hopes of liberty, and prevented them from blossoming during a period of not less than forty years. Of the danger of these associations their Lordships could entertain no doubt, when they saw the state to which France was at the present moment reduced by even the ghosts of her former clubs. When the great boon of Emancipation was granted to the Catholics, it was the unanimous opinion of their Lordships, that it was necessary to put down such associations in Ireland, but now it was proposed to give to the great towns a mass of constituency which would throw them into the hands of the Unions, which no steps were taken to put down. Ministers did not even propose to withhold the elective franchise from every man who might be a member of these associations, or had continued one for a certain time. The measure now proposed would lead to a Republic more dreadful than that which

had been established in France. That, at least, was one and indivisible; but the first result of the carrying of the Bill would be the Repeal of the Union with Ireland, and the dismemberment of the empire. This great State would be divided into two several small Republics, which would probably soon become the provinces of some greater Power. Never, while he had a voice to raise in opposition, would he give his consent to a measure so pregnant with mischief. He begged to call the attention of their Lordships to what was called the liberal party in other countries, and would ask, whether it was a war or a peace party? The noble Earl concluded abruptly, saying, that though he had intended to address some further observations to their Lordships, he found that his strength was exhausted, and must therefore sit down.

Lord Plunkett said, that he was induced to obtrude himself on the attention of the House, with the view of attempting a reply to the very able and powerful speech of the noble Earl who had just addressed the House. He should in some respects differ from the course taken by the noble Earl, for he would attempt to argue the principle of the Bill. With every respect for the noble Earl, and paying the full tribute of admiration to the talents which he had displayed, he must assert, and before he sat down, the House would be able to judge whether he was justified in making the assertion, that he had left the principle of the Bill untouched. The noble Earl said, that he had reluctantly entered into a discussion in which he was opposed to those for whom he professed strong esteem and regard. The noble Earl had also stated, that he had listened to the arguments in favour of the Bill, with a strong desire to be convinced by them. Had it not been for these direct assertions of the noble Earl, which he was bound to believe, and did believe, he should have supposed, from the tone of severity and the strain of sarcasm which pervaded his speech from the beginning to the end, that the noble Earl's reluctance was not so very strong as he had led the House to imagine that it was, and that something more than a logical difference on the subject had dictated the noble Earl's observations. He really could not recollect one objection which the noble Earl had made to the principle of the Bill. The noble Earl had said, that Ministers were building a new Constitution. He had also said, that

the Bill, if carried, was one which would render it impossible for his Majesty's Government to be carried on. These were positions which the noble Earl had adopted and not laid down himself for the first time. They had been reiterated from the commencement of the discussion up to that moment; and now that the noble Earl had ceased to speak, they remained as they did before he began to speak, resting only on mere assertion. It had been stated of this measure, which had been brought forward by Ministers, and sent up to their Lordships, backed by the authority of the other House of Parliament, that it was founded on fanciful theories, that the grievances which were complained of were ideal, and that the Bill would destroy a system which was working well for all purposes of public utility, and endanger the Constitution of the country. To every one of those assertions he would take upon himself to give a positive denial. He would not rest on his mere denial, but would state further, that the theory which was opposed to the Bill was improper, and at direct variance with the ancient established and acknowledged principles of the Constitution. The persons who complained of injustice being done to them were themselves the usurpers of the power of the realm. He believed that the rejection of this remedial constitutional measure, which had been sent up to their Lordships from the Commons of England, would be attended with dangers not imaginary, remote, or trivial, but immediate, vital, and overwhelming. All considerations personal to himself were lost in the deep and anxious alarm which he felt upon this subject. There had been a degree of personal rancour accompanying the attacks which had been made upon the Bill and its authors, which proved that something more than apprehension for the Constitution influenced the opposition to the measure. Assertions and attacks, such as he alluded to, must not rest upon the authority of those who made them, or on the pertinacity and perseverance with which they were reiterated. They must be tried by the test of reason and argument. There was one circumstance to which he could advert with some degree of pleasure—namely, that the tone originally assumed by the opponents of the Bill had been abandoned. He could not avoid observing, that the opposition to this measure had descended from that high tone which it

had assumed at the commencement; and he found that this measure of Parliamentary Reform, which had been at first encountered as an audacious measure of corporation robbery, and as directly tending to overturn the State, was now met by an admission from every person who had spoken from the other side of the House, with one single exception, that Reform, and in some considerable degree, too, was necessary ["no, no."] He certainly thought, that the only person who had denied that Reform was necessary was a noble Earl opposite (the Earl of Mansfield) ["no, no."] The noble Earl was the only person, of all who had spoken on the subject, that entertained such an opinion ["no, no."] It was, of course, impossible for him to conjecture what was passing in the minds of noble Lords opposite, but among the persons who had taken part in the present debate, or spoken on the presentation of petitions, the noble Earl was the only person who had avowed himself the uncompromising foe to any kind of Reform whatever. The noble Earl to whom he alluded, and of whom he wished to speak with the greatest respect for his talents, had certainly taken a very whimsical course in establishing his position against all Reform, and against this specific measure in particular; for, after joining in the general cry of its tendency to overturn the monarchy, and all the institutions of the State, he proceeded further, and said, that the present measure would have the effect of establishing the Ministers in their places, and that by Reform of Parliament they would be enabled to carry on all their injurious measures against the interests of the country. The first use, said the noble Earl, which Ministers would make of their new power, would be to go to war with Portugal; and the next step to be taken by Ministers was to commit the equal outrage—as he believed it would appear in the estimation of some noble Lords—of not going to war with France. Then the Ministers would proceed to put an end to all the rights of primogeniture, of hereditary property, and, in short, to adopt every one of those measures which were perpetrated in the wildest days of disturbance and folly that ever afflicted the French nation. This really appeared to him to be a sweeping course of objection, and one which he was not quite prepared to follow. He was only prepared to argue this measure of

Reform on its own grounds and principles. With the exception of the noble Earl, all the noble Lords who had spoken on the other side of the House, had declared themselves friendly to some degree of Parliamentary Reform ["no, no," from Lord Falmouth.] He really thought that the noble Lord had, in part of the speech which he had delivered that night, expressed himself in favour of some kind of Reform; but he found that he was mistaken, and he certainly had no wish to fix on the noble Lord so odious an imputation.

The Earl of Falmouth explained. He admitted that he had said, that if any bill of Reform was brought into the House, he would endeavour to give it due consideration; but he had said nothing which implied that he thought a measure of Reform necessary.

Lord Plunkett continued. He said, that it certainly had caused him some surprise to find, that though so many noble Lords had expressed themselves in favour of some measure of Reform—their various tendencies being in different degrees—yet, somehow or other, they all joined in an uniform declaration that they would vote against the present Bill; and they all joined in the uniform cry which had been raised against it, on principles and arguments which equally applied against every kind of Reform. This somewhat abated the confidence he might have been disposed to place in the professions of the noble Lords opposite, and disabled him from drawing those happy auguries from them which he otherwise should have done. One noble Earl, who he regretted most exceedingly was about to divide against this measure, and who had spoken with such powerful ability on the second night of the present debate, had argued this question in a way which the noble Earl (Carnarvon) alleged had not been answered by the noble Marquis near him (the Marquis of Lansdown). He certainly thought that the noble Lord was correct in stating that the noble Earl's arguments had not been answered by the noble Marquis; and the reason was perfectly obvious: it was because the noble Earl argued, with a powerful ability to which he could not pretend, not against, but in favour of most of the propositions which the noble Marquis had to contend for. The noble Earl had, in fact, stated, that he would have supported a measure

of Reform founded on the destruction of nomination boroughs; he had also admitted the principle of enfranchising large towns, and of enlarging the county Representation, as well as the necessity of some substantial measure of Reform; and he had expressed his regret that some modified measure of that kind had not been introduced by the noble Duke, late at the head of the Administration. The noble Earl went further, and admitted that the particular objections which he had to the machinery of the Bill might be satisfactorily discussed in the Committee ["no, no."] He therefore thought, that after these admissions of the noble Earl, it would have been quite preposterous for the noble Marquis to get up and meet arguments which might tend to induce the House to go into Committee on the Bill. He must say, that the way in which this Bill came before the House did appear to him to entitle it to be received with more courtesy, calmness, and mildness than it had received. He must say, that there never was a set of persons less exposed to the imputation of having intruded themselves on the notice of the public, or of having sought for the situation which had imposed on them the necessity of bringing forward the present measure, than his noble friends behind him. He believed that it could not be out of the recollection of the House and of the country with what a degree of self-devotion those noble persons, session after session, and year after year, sustained the Administration of the noble Duke opposite, and stood by him, as the supporters of those measures which they conceived to be for the public good. He thought their conduct a singular instance of self-devotion, though he admitted that the noble Duke was entitled to their support when he introduced the measure respecting the Roman Catholic claims. The noble Duke on that occasion entitled himself to the lasting and interminable gratitude of the country. He had always entertained that opinion, and he now expressed it with perfect sincerity; and in any observations he should offer, or any reference he should make to words which had fallen from the noble Duke, he hoped that he should not be considered as doing anything inconsistent with a feeling of the greatest respect towards that distinguished individual. In the month of November last, the noble Duke found it necessary to retire from the situation which

he then held at the head of the Administration. Undoubtedly, the retirement of the noble Duke was connected with the subject of Parliamentary Reform ["no," from the Duke of *Wellington*—"Hear," from the Marquis of *Londonderry*.] He thought that the negative had been uttered in so loud a tone as not to require the echo of the noble Marquis. He did not wish to misrepresent what the noble Duke had said; but he understood the noble Duke to have stated, "that it was a great mistake to represent that he had retired from office on account of the question of Parliamentary Reform: he had said no such thing: what he had said was, that finding that he had not the confidence of the House of Commons, and apprehending that if the question of Parliamentary Reform were to be brought forward"—

The Duke of *Wellington* rose to explain what was the statement made by him on the occasion alluded to by the noble Lord. What he had said was, that finding that he did not possess the confidence of the House of Commons, he had determined to retire from his Majesty's service, and he fixed on the day on which he retired as the period for offering his resignation to his Majesty, on account of a motion having been made and carried in the House of Commons at that particular time. He had stated plainly, over and over again, that he did not wish that persons being in his Majesty's service, and possessing his Majesty's confidence, should go into the House of Commons not possessing the confidence of the House, and be outvoted on the question of Reform.

Lord *Plunkett* was at a loss to know the difference between his statement and that of the noble Duke's.

The Duke of *Wellington* said, that the want of confidence of the House of Commons was the cause of his resignation.

Lord *Plunkett* knew that it was the want of confidence of the House of Commons; but he understood that that want of confidence was also accompanied with this circumstance—namely, that in consequence of that want of confidence, the noble Duke thought it highly probable that he would be defeated on the question of Parliamentary Reform. ["no, no."] He understood from the statement of the noble Duke, that finding he did not possess the confidence of the House of Commons, in consequence of the division on the Civil List, and ap-

prehending that he was liable to be defeated on the question of Reform, he did not choose to expose the Government to that risk.

The Duke of *Wellington* thought the case was simple enough. He certainly had no intention of resigning until after the division on the Civil List; and fixed on Tuesday morning after the debate as the period of his resignation, because he did not choose to expose the Government or the country to the inconvenience of a discussion on so important a question as Parliamentary Reform, that Government not having at the time the confidence of the House of Commons.

Lord *Plunkett* expressed himself satisfied with the statement of the noble Duke, who had given an explanation of certain expressions which he had used, exactly in the way in which he (Lord *Plunkett*) had meant to state them. He would not say what were the precise words made use of by the noble Duke, but the impression on his mind was, that the noble Duke had resigned his situation in consequence of his apprehension, that not possessing the confidence of the House of Commons he might be liable to be defeated on the question of Parliamentary Reform. What he had stated, he had stated on the authority of the Parliamentary Reports, and he would refer to the same authority for a declaration made by the noble Duke on another occasion. He there learned that the noble Duke took an opportunity of declaring, that "with respect to Reform, he not only was not prepared with any measure of Reform, but that he could not form part of any Administration which would propose that question to the consideration of Parliament" [*cries of "no, no."*] He really wished, that if he was misrepresenting the noble Duke, noble Lords would allow him to reply to the misrepresentation himself. It was perfectly impossible for any person to proceed with his argument if subject to such repeated interruptions.

The Lord Chancellor rose to speak to order. He had been indignantly taken to task, occupying, as he did, the place of Speaker in their Lordships' House, for not interposing with that which he alone had a right to tender—his suggestions and advice—and he now begged leave, for the sake of the order of their Lordships' proceedings, to suggest that there was one, and but one, orderly mode of setting a noble Lord right, if he should

misrepresent the sentiments of another noble Lord, either wilfully, which was not to be presumed possible, or from misunderstanding. The only time, according to the strict order of debate in Parliament, for a noble Lord so misrepresented to set himself right, if he chose so to do, was to explain after the speech was closed; but it was the constant and most convenient course, in order to prevent an argument being founded on an involuntary misrepresentation, to allow a slight interruption to be given for the purpose of correcting the error. But then this interruption must have a limit, or the consequence would be, that the greatest confusion would be introduced into their Lordships' proceedings. He was sure that the noble Duke would see the disorder that must arise from these repeated interruptions, and would bear in mind, that a time would arrive for him to explain, after his noble and learned friend had concluded his speech. But it was, above all things, contrary to order, and could not be endured, that for the purpose of setting right a supposed misrepresentation, the by-standers who had not been misrepresented, and who were no parties to the business, should interfere when the principal himself did not choose so to do.

The Duke of *Wellington* assured the noble and learned Lord on the Woolsack, that he felt the justness of his observations and the necessity of adhering to the orders of the House. He had, however, thought that it would not be improper to correct the noble and learned Lord opposite on a point of fact connected with his retiring from office last year; but he begged to assure the noble and learned Lord, that he might go on without further interruption from him, as he should have an opportunity to set himself, if necessary, right with their Lordships, and he only begged them, therefore, to suspend their judgment with respect to the circumstances which had just been alluded to.

Lord *Plunkett* said, that his only wish was, to state clearly and correctly what had fallen from the noble Duke; and it would be much more painful to him to misrepresent the noble Duke, than it need be to the noble Duke himself. What he understood the noble Duke to have said—and the thing was the more strongly fixed in his recollection by having remarked the different language used by the noble Duke in that House, and his right hon,

colleague in another place — was, that he was not only not prepared with a measure of Parliamentary Reform, but as long as he held any place in his Majesty's Councils, he must oppose any such measure that might be proposed. As he had just stated, the observations of the noble Duke were fixed in his memory by the different language made use of by a right hon. friend of his, who in another place did at first explicitly state, that certainly the question of Parliamentary Reform had something to do with the resignation of his Majesty's late Ministers; and then went on to say, that the then Cabinet, not being prepared with any measure on the subject, and not wishing, after their defeat on the question of the Civil List, to go out on the question of Reform, accordingly resigned their situations. There was a marked distinction between the expressions of his right hon. friend and those of the noble Duke. His right hon. friend —

The Earl of Harrowby rose to order. He said, that it had always been held disorderly to comment on words which had fallen from any Peer in that House; but the noble and learned Lord went further, and proceeded to draw conclusions from a supposed difference between what was said in that House, which he might have heard, and what he imagined was said in another House of Parliament by an individual who was not then present. He was satisfied that the noble and learned Lord would, on reflection, see that this was a mode of commenting, not on the conduct, but on the words of Members of Parliament, which must be attended with the greatest possible inconvenience, and was equally contrary to the rules of both Houses of Parliament. He really trusted that the noble and learned Lord would feel that it was not necessary, in the discussion on the present measure of Reform, to make a detailed comment on words, the authenticity of which it was impossible to ascertain.

Lord Wharncliffe confessed that he did not see any thing disorderly in the noble Lord's referring to the words spoken by a right hon. Gentleman in another place in a former Session of Parliament. Those words were now matter of history: where the noble and learned Lord found them, he knew not; but they were matter of history, and it was the common practice of their Lordships, and of the other House of Parliament, to refer to debates which had

taken place in former Parliaments, and argue on particular expressions used in them.

Lord Plunkett said, he referred to the language used by his right hon. friend, as to a matter of history. He was not going to make an inquiry into the conduct of the noble Duke, or of his right hon. friend, but he wished to point out the difference between their expressions. It appeared to him that a studied mode of expression was adopted by the right hon. Baronet; for he said, that the late Cabinet were not then prepared with a measure of Parliamentary Reform, and Ministers, under those circumstances, having been defeated on the question of the Civil List, and apprehending what might be the result of meeting the House of Commons on the question of Reform, did not choose to encounter the event. Their Lordships would observe, that the right hon. Baronet said, "that the Cabinet were not prepared with a measure of Reform;" while the noble Duke said, "they were not only not prepared with a measure, but that as long as he formed part of his Majesty's Cabinet, he should feel it his duty to oppose any proposition for Reform." The result of this was, that the late Administration was broken up under the impression that in the circumstances in which they were placed, they were not able to meet the question of Parliamentary Reform in the House of Commons. This was the inference which he drew from the declarations made by the late Ministers, and he thought it a very important one. Upon the dissolution of the late Government, the present Administration came into office, avowedly on the principle that some measure of Parliamentary Reform was absolutely necessary; and that the government of the country could not go on without it. This was all he wanted to establish. The noble Duke and his colleagues unanimously resigned office, because they could not meet Parliament in the then state of feeling on the subject of Parliamentary Reform. The head of the Government was determined to oppose all Reform as long as he continued in the Cabinet, but his right hon. colleague only said, that he was not prepared with a measure of Reform. They both, however, resigned, and it did not appear that any measure of Reform, of however modified a nature, had been suggested to their Sovereign, in the possession of whose confi-

dence they at that time stood. Therefore, he had a right to say, that their retirement from office, and the coming in of their successors, were connected with the question of Parliamentary Reform. Was it any ground of attack on his noble friend at the head of the Government, that when called upon by his Sovereign—whom his former servants, he would not say had abandoned, but had declared their inability to serve any longer, to form a Government—he did not refuse to obey that call, and did undertake to carry on in that difficult crisis the public business of the State, on the known and avowed principles on which he had been in the habit of acting? His noble friend had, in the first instance, explained the principles on which he accepted office, and amongst them were, the principles of economy, of non-interference, and, primarily and particularly, of Parliamentary Reform. In consequence of the declarations made by the noble Earl, a measure of Reform was introduced to the consideration of the late Parliament. The noble Lord who had just sat down had said, with respect to Parliamentary Reform, “that the breeze had been fanned into a hurricane by the noble Earl,” from whom he was so unwilling to differ. Did the noble Lord conceive that the noble Duke opposite was likely to be moved by such a breeze? He rather inferred from the change of Government, that the breeze had previously assumed the character of a hurricane, and if his noble friend, now at the head of affairs, in endeavouring to allay the hurricane, rode on the whirlwind, he could not be said to be directed by the storm. A measure of Reform, the same in substance and for efficiency of purpose as the one now before their Lordships, was introduced into the late House of Commons. It was there canvassed in all its parts by friends and enemies; it underwent a most severe scrutiny, and the principle was adopted by what he could not call a very large majority, for it was carried by a majority of one only. His Majesty’s Ministers afterwards, finding that they were about to be baffled, took his Majesty’s pleasure upon the subject, whether, for the purpose of ascertaining the sense of the people, not with respect to that particular measure (but still it so happened that that measure was in the singular position which he had stated), the Parliament should not be dissolved. The people, thus appealed to, expressed their

opinions with a degree of assent amounting almost to unanimity, and though the entire subject of Parliamentary Reform had been opened, their opinions applied to that particular measure which had been so rigidly canvassed in Parliament, and they exercised their suffrages so directly in reference to that measure, that their Representatives had been termed delegates. He appealed to those noble Lords who recollected what had passed in the country, whether they ever recollected elections to have been conducted with a greater degree of order and regularity? With respect to Ireland, he was sorry to say, it was difficult to mention at random any period of the history of that country, during which a state of perfect tranquillity might be found; but still there had been no disturbance there since the dissolution, connected with the elections. The same thing might be said with respect to England. He mentioned this circumstance, because attacks had been made in connection with this measure of Reform, not merely on the Government, but also on the people of the country, who had been accused of unfitness to form the basis of free Representation. The elections having been conducted with such tranquillity and propriety, the discussions in the House of Commons having been conducted, on the part of those who introduced this Bill, with as much deliberation as any debate in the history of Parliament, and the Bill having passed, after some amendments, by an overwhelming majority, it certainly did surprise him to hear a noble Baron (Lord Wharncliffe) take upon himself to say, that after this specific measure had been submitted to Parliament, and the opinion of the people taken on it, when petitions were presented declaring their approbation of this measure, those petitions only meant to convey approval of Reform generally. On what authority the noble Baron made such a statement he did not know; but he was sure that if the petitions referred to any measure, it could be no other than the one before the House. This measure having been brought forward under the sanction of Government, and under the sanction of his Majesty, as implied in his authorizing the Government to propose it, and having passed through the House of Commons, certainly was entitled to be treated with a great degree of courtesy by their Lordships. He did admit that their Lordships were



fully entitled to canvass the measure in all its parts, freely and fearlessly, in the exercise of their duty. But although their Lordships were in the exercise of their undoubted privilege in the present circumstances, they were to recollect that they were sitting in judgment on the people of England, and on a subject peculiarly—and so far as any subject that could come before their Lordships could be, exclusively—relating to the privileges of the other House of Parliament. He, therefore, could not too anxiously implore their Lordships to consider well, before they adopted the desperate experiment of rejecting this measure, what were the consequences which might result from that rejection. He was satisfied their Lordships would think, that whatever might be the ultimate fate of the measure, it was entitled to receive the most respectful attention of that House. A good deal of sarcasm had been thrown out in that place against the people of England. He again said, that there had been some smart sarcasms and polished epigrams thrown out against the people of England; the noble Lord opposite had got up a great deal of pointed irony and polished epigram, though he had omitted to touch any real part of the subject, at the expense of the people of England. But he (Lord Plunkett) would say, that that people, whose petitions had been sent up in such numbers to their Lordships, and whose rights were involved in this question, were no light, giddy, and fantastic multitude—no rabble labouring under a temporary delusion, but a great nation, intelligent, moral, instructed, wealthy—a nation as much entitled to respect, and with as many claims to favourable consideration, as any nation in ancient or modern times. Therefore, when noble Lords attacked this measure, and said that if it was carried, it would give the people of England the means of overthrowing the Throne and the Church, and abolishing all our venerable institutions, he would ask those noble Lords, if such were the effects to be apprehended from the measure if it were carried, what would be the effects if it were not carried? But he affirmed that the charge was totally untrue. The people of England had no such objects. They were too sensible to indulge any such rash schemes. But if our institutions were such that they could not be sustained without repressing the just complaints of the people, why, he would say, they were not worth the tax we

paid for them. But he again said, that the charge was a libel upon the people of England; it was an attack upon the character of the country, which was as dangerous as it was untrue. Then the matter for their Lordships' consideration was, whether they had reason to think that this was a mere popular burst, which would soon die away, and that all would become calm again in (as a noble Lord said the other night) about two years; that they were consulting the interest, and the tranquillity, and the safety of the country by rejecting this measure; that the Commons House of Parliament, which had passed this Bill by a large majority, was ready to recede from the measure, and that the people of England were disposed to abandon it. If their Lordships rejected the measure, and they got locked in the wheels of the other House of Parliament, so that they could not go on, what would be the consequence? The noble Lord had said that the only consideration for their Lordships was, whether this was or was not a right measure, and that they were not to look at consequences. This was a doctrine almost too monstrous, he should have thought, for a sane man. If the wheels of the Government were to be stopped in the way he had mentioned, how could the Government go on? The noble Baron did not argue the principle of the measure, but he went into the details, and contended that the inconveniences of the measure being certain, their Lordships were bound to shut their eyes against the consequences of rejecting it, and to stand secure amidst the wreck of elements—

"Should nature's frame in ruins fall,  
And Chaos o'er the sinking ball  
Resume primeval sway,  
His courage chance and fate defies,  
Nor feels the wreck of earth and skies  
Obstruct his destined way."

Those lines of the poet exactly described the feelings and conduct of the noble Lord. But he (Lord Plunkett) would affirm, that they were bound to consider consequences; and he would call the attention of their Lordships to what the consequences would be if they rejected this Bill, under circumstances which would prevent the introduction of a measure of equal efficacy. Where, he would ask their Lordships, were they to look for strength, on the dissolution of the present Government? The noble Duke opposite was one of the first persons to whom the eyes of the public would be directed in

such a case. It was with reference to this that he had been so particular in endeavouring to ascertain the exact words used by the noble Duke on a certain occasion. But if the noble Duke was then unable to go on with the government of the country, because at that period he had lost the confidence of the House of Commons, and was apprehensive of what might be the result of that loss of confidence, did the noble Duke conceive that he was now restored to the confidence of the House of Commons, and that he had a better chance now than before of parrying the question of Reform? He (Lord Plunkett) did not think so; and great as might be the misfortune to the country, that the noble Duke should be prevented from carrying on the business of the country, he did not conceive how the noble Duke could join other members of his own party who had declared for partial Reform. As to the noble Earl (the Earl of Carnarvon), the noble Duke could not calculate on him, because he had not got into the kitchen. He would ask their Lordships' whether they seriously thought there was any chance of safety to the country if this measure were rejected? When noble Lords made violent appeals, and called upon the Reverend Bench to attest their solemn appeal to Providence, he hoped they would ask their own conscience, at that retired hour, when the still small voice of nature was heard, and then consider whether they were satisfied with their own conduct, and were convinced they were pursuing a course which was likely to be productive of safety and benefit to their country. Let him (Lord Plunkett) not be accused of offering a threat; it would be presumptuous in him to hold such language. No threats were likely to influence their Lordships; no threats of popular violence or insurrection should have, or ought to have any effect upon the noble Lords in that House. He trusted that any one there would be ready to join heart and hand in giving assistance to the Government of the country, in resisting every thing tending to insurrection. But the danger was, that things might come to such a pass that the Government could not go on—that we should be reduced to a state of utter anarchy. These were questions which noble Lords, who made those appeals to the Reverend Bench, should put to their own minds; for though they might withstand a sudden explosion of popular fury, there was a deeply-seated

sense of wrong, ready to burst forth in the hour of danger, which impressed minds of most fortitude with a sense of terror. Many of their Lordships, he thought, might be reconciled to the measure, if he could find arguments to show that it was necessary to the security of the institutions of the country. He should, therefore, in pursuance of the promise he had made, now proceed to call the attention of their Lordships to the nature of the case before them. What was their Lordships' place in the Constitution? They were invested with noble and high privileges as a branch of the Legislature; they were the hereditary counsellors of the Crown; they were the highest judicial Court of appeal in civil and criminal cases, and, from their character, growing out of their station, rank, and place in the country, they were entitled to the respect and reverence of the country. Their Lordships must not believe that he flattered them, when he assured them, that they stood as high in the opinion of the country as any branch of the Legislature. Then, were any of these high privileges assailed? No; but what they claimed was a share in the Representation of the country. There might be cases in which, for the sake of avoiding mischief, and in discharge of their duty to themselves and to the Crown, they ought to resist the demands of the people. But was this one of those cases? If a struggle took place, could their Lordships resist the right of the people to a full and fair Representation in Parliament? "Do as you would be done by," was a simple and sublime maxim which vindicated its divine origin; "Do as you would be done by," and he would ask their Lordships if the people claimed any of the privileges of the Crown or of the House of Lords, if they interfered with their Lordships' hereditary titles, would their Lordships be disposed to submit quietly to the invasion? Suppose they had got possession of those privileges, and an Act of Parliament was introduced for restoring them to their rightful owners, would their Lordships think themselves fairly treated if the House of Commons, standing on no other plea than their power to do so, threw out the bill? Their Lordships in such a case must submit; but would it be a sincere, a cheerful submission? They would submit, but it would be only because they could not help submitting. Then the two cases ran exactly parallel: the people of England were as much en-

titled by law to a full and fair Representation in the House of Commons as their Lordships to their seats in that House. The principle contended for by noble Lords was an unintelligible principle: it was a claim on the part of an oligarchy—to what? to a right to return a part of the democracy. The principle was wholly unintelligible; and he defied any phrenologist to point out an organ which could comprehend such an anomaly. He did not think that the accidental circumstance of some Members of that House having got possession of a few places in the other House of Parliament, was any reason why their Lordships should consider it unjust to restore them. He had thus got rid of the objection as to any operation of this measure against the privileges of that House. He then came to the rights of the Throne. All knew what the rights of the Throne were. This measure did not interfere with any of the rights of the Throne. He was not aware that any language had been used to deny the rights of the Throne, the prerogative of dissolving Parliament, or calling up to that House those in whose favour it might think fit to exercise that prerogative. There was no doubt that the King had the right and prerogative of making himself known to his people and erecting a throne in their hearts. He thought that what had been said upon this subject was unconstitutional trash. The King's name was not to be used to impute personal blame and responsibility. The King could do no wrong; but, to say that the King of England, the representative of the House of Brunswick, which had been invited to this country to protect its rights and liberties, had not a right to make himself known to his subjects as their father and protector, was trash. The King of England was not like an eastern monarch; we were not to look at a king as an abstract idea; he was entitled to make himself known, and to show that a King of England could be the father of his people. He had said more than was necessary on this point, because so much had been said respecting the dangers which threatened the rights of the Crown, and history had been resorted to for no other purpose than to pervert facts. Our kings in former times had issued their writs, calling on certain inhabitants of counties to return Members to Parliament, in order to advise the King as to what taxes should be laid on. A right had been

given to places to return Members, and other places had ceased to have Representatives. An instance of the latter had not occurred since Richard 2nd, but the former practice continued till a much later period. All this, however, had no concern with the subject, and it was throwing away time to discuss it. But, although the prerogative of the King was not affected by the abolition of nomination boroughs, yet it was said, if the Government could not be carried on without them, what was to be done? He should like to know, how the power of buying and selling seats, and the sellers putting the money in their pockets, could have any bearing on the King's Government. Was it quite certain, that though one set of buyers of boroughs might be well disposed to the Crown, and might combine together for the King's service and the public good, there might not be other combinations not quite so pure? If the King's Government could only be carried on in that manner, he thought it would be quite as well that the King should carry on his own Government. But it was not necessary for the King's Government. But it was said that these boroughs were not only a necessary protection against the King, but against the people; for, that if the people were fairly and properly represented, the Government could not go on, and the House of Commons would swallow up all power. This was a most extraordinary doctrine. It came to no more nor less than this—that this was not a Representative Government; and he would ask, if that was a thing to be received by the people of England with acquiescence and satisfaction? Ours was essentially a Representative Government. In such a Government the people had no right to intervene in the duties of the Executive Government; if they did, that would be a democracy; but they had a right to be fully and fairly represented. If the people were altogether excluded, the Government would be an aristocracy; if they regulated the whole government, and interfered with the executive, that would be a democracy. A full and fair Representation of the people, united with an aristocracy and an executive with which the people did not interfere, was the true nature of our government; and one element of that government, without trenching on the others, this Bill restored. It gave a full and fair Representation to the people adapted to

the present circumstances of the country. It had been said by noble Lords opposite, that this was a new Constitution—that Ministers were unmaking the Constitution—and they were indeed doing so, if the doctrine he had referred to was not correct. It was said, that if the people were fairly represented, the King would not be safe on his Throne; but the doctrine was too monstrous to be maintained. It was not at that period of enlarged knowledge and reflection, that such a doctrine could be promulgated without the danger of arousing in the country, from one end to the other, the deepest excitement. So far from innovation, they were reverting to the old and established, and acknowledged theory of the Constitution, and those who opposed the change were hostile to that established theory. When the noble Earl (Falmouth) called on the Reverend Bench to defend the present system, he called upon Christian prelates to defend a system of hypocrisy; but he (Lord Plunkett) called on that bench, by the same strong and sacred obligations, to join him in supporting that which was the real Constitution. If their theory was the true one, where was it proved to be so? For it was not one of those truths which lie upon the surface. None of our own writers; some foreigner had discovered it. How the noble Lord had come by it, it was not possible to imagine. Here were gentlemen buying and selling places in Parliament for 5,000*l.* or 12,000*l.*, which enabled them to come in there, and move on the axis of their own particular interests. They revolved in cycles and epicycles, with more satellites about them than any planet discovered by Olbers or Herschell or any one else; and when it was intended to deprive the favoured inhabitants of A and B of the light of those luminaries, it was supposed that the laws of nature were about to be repealed. These were the men who, in defiance of the King and of the country, would uphold this system for the exclusive benefit of themselves, and oppose a measure which had received the sanction of the House of Commons and of the country. And now one word with respect to the allegations—for to call them arguments would be bitter irony—of noble Lords, founded on the great changes which the Bill, according to them, would introduce into the established institutions of the country. "These institutions," say they, "have been framed by our wise and vene-

rated ancestors to last for ever—the country has flourished under their influence, and oh! beware, you puny moderns, and do not touch with your rash hands what has received the sanction of time, and been formed in the spirit of the wisdom of antiquity." Now let him ask these sapient expounders of the wisdom of our ancestors, whether the world had grown older or younger since our ancestors followed their ancestors to the tomb? To believe these noble Lords, the world was every day growing younger, and the old age of the world was its infancy. With them, groping in the dark was light and wisdom; and experience but another name for youthful ignorance. Indeed, he was sure that if he divided the House on the question, whether the world was not actually younger and less experienced in the year 1 than in 1831, he was sure that many noble Lords opposite must vote in the affirmative. What, if our ancestors were as blind worshippers of their ancestors as noble Lords, wise in their generation, would fain just now persuade us to be of theirs, was no advantage to be taken of increased knowledge—of increased experience—of the relations of society being better understood because contemplated under a greater variety of aspects? Were circumstances, the growth of time, and change, the growth of both, in the habits of thought and action in the people—and the increased and increasing diffusion of knowledge—and, above all, was time, the great innovator, of no influence? And what was the change? Why, that change should be effected in the machinery of a branch of the Constitution. Pray, what was the history of the Constitution? Were noble Lords who objected to all change, at all read in that history? It should seem not, for otherwise they must know that the history of the Constitution was nothing but the history of its changes, and the English Constitution might be shortly denominated a succession of legislative changes. Such it would be found by any man who went about writing its history. But of all these changes, the most numerous and most extensive—that is, the chapter of the history of change, which would be found to be most various and diversified—would be that of the change of the constitution of Parliament. Why, the very Peerage, as at present constituted, was a change from its original character under our infallible ancestors. Were noble Lords aware that

their original right to sit in that House was derived from a species of tenure, of which the whole peerage now contains but one instance—a tenure derived from the possession of certain lands or tenements? If so, must they not admit that their right to sit there, being different from the original one, their actual constitution was a great departure from the wisdom of our ancestors? Was not, he repeated, the whole history of Parliament a history of change? Was not the sweeping away some thirty mitred abbots from that House by Henry 8th, a great change? Then, was not the addition of sixteen Representative Scotch Peers by the Union with Scotland, and of twenty-eight Representative Irish Peers by the Union with Ireland, great changes? the rather as the nature of their tenures of seats in that House were wholly different, not only from that by which the English Peers exercised their functions, but also from each other. The English Peers were hereditary, that is, they sat there by descent and possession; the Scotch Peers sat there by neither descent nor possession, nor for life, but for a single Parliament; while the Irish Peers were elected to sit for life, but, as with their Scotch brethren, not from descent or possession. Look then again at the rotation system of the Irish Bishops, so different from that which regulated the English Bishops, with respect to the right to take a part in the proceedings in that House—in itself a great change from the original constitution of our ancestors. Again, let them consider the numberless changes which had been made in the oaths taken by Members of Parliament since its first constitution, all showing, that the history of the English Constitution was the history of a succession of legislative changes. But, say noble Lords, "This is all very true; but these changes in the Constitution were gradual and imperceptible, while that now proposed by the noble Earl was of unparalleled rapidity." The answer was simple: rapid was a term of degree that was relative to circumstances, and change was a term different in its meaning from restoration. The Bill proposed no change not rendered imperative by circumstances, and only effected the removal of abuses which had been the growth of two centuries. The circumstances which at present justify the change explain the rapidity. But then, again, say noble Lords, "admitting the necessity

of some change, and that it should even be a rapid one, why should it be so extensive? Was not such extent fraught with danger to all existing institutions?" His answer was, that the safety was to be found only in the extent of the measure. For mark the reasoning of these noble objectors to an extensive measure of Reform; "We all," say they, "admit the necessity of some measure of Reform; not, be it understood, because we conceive that justice or sound policy recommend it, but because the public demand is so pressing, that, judging by the signs of the times, we cannot help making some concession." Now was it possible for the veriest enemy of the institutions of the country to teach a more dangerous lesson than was contained in this admission? Does it not teach the people, that though nothing would be granted on the score of justice, much would be yielded to importunity? And was this the language befitting a British Statesman? The duty of a statesman worthy of the name was of a far other character. He was not to be merely watching and veering about with every breeze of the popular will, to borrow a metaphorical illustration from the noble Earl, and to merely shape his measures as the popular vane indicated. No, a statesman should take his stand upon an eminence, from which great general principles and lofty views revealed themselves at every step, from which he could, uninfluenced by mere temporary exigencies, clearly see the people's rights and his own duties, and, while seeing them, perform the one by granting the other. From this position he should only descend to counsel and to decide, to see that the people should enjoy their right, and if he found himself capable of effecting this good, he was bound not to await the bidding of the public voice, but to raise the standard of political improvement in the advance of the people. His duty it was, to devise for the wants of the people, to advise them, to moderate them, to be their leader and conductor to freedom and happiness. This was the duty of a statesman, and he who was incapable of it, or who neglected it, however he might win favour with noble Lords so—if we took their own word for it—infallible, disinterested in their judgment, would be held in just contempt by an enlightened posterity. The statesman who had discharged his duties in the manner which he had just glanced at,

alone could turn round to the people—in the case supposed by the noble Earl (Harrowby) opposite—and say to them, should they unfortunately be induced by mischievous advisers to exceed the limits of discretion, “I have been no ill-natured spy upon your actions; I have honestly endeavoured to execute the trust confided to me for your benefit. I stand here as your friendly adviser, and tell you, for your own sakes, to arrest yourselves in your progress, and thereby enjoy the blessings which Providence has bestowed upon you.” Such an appeal would be irresistible. He felt confident in the good sense of the people of England, and was convinced that such seditious papers as those circulated at a Westminster meeting some years ago would, so far from influencing the people to mischievous ends, recoil upon their promulgators. And now he begged to touch upon one other topic before he sat down. It was an old argument with the opponents of Reform, that the Constitution worked well, and could not be bettered. This was partially true, so far as it applied to many of the institutions of the country—it was false as it applied to the subject matter of the present Bill. It was true, that the Constitution worked well, if by the term was understood the several institutions of the country; it was equally true, that it worked ill so far as the Representation of the people was concerned. He entirely subscribed to the several panegyrics which had been made upon the practical working of most of our institutions. The laws were sound, and ably administered; the Judges were learned and honest; Juries impartial; Magistrates upright; the Clergy pious and well informed; the finances judiciously managed; and the several offices of State ably filled; but, with all that, the people were not satisfied; the great good was wanting of contented subjects, and they could probably only be made so by receiving that share in the Constitution which was by law assigned them. All these eulogiums, then, had nothing to do with the question before them, which was, whether the people were or were not duly represented? No man pretended to deny that our Representative system required some amendment, so that it could not be said that the “work-well” eulogy could be predicated of it. It was true, that a noble Earl (Carnarvon) opposite maintained that it could, that the representative branch of

the Legislature did work well in practice; and he quoted passages from speeches of Mr. Fox and his noble friend (Earl Grey), delivered many years ago, in order to show that they also had been of the same opinion. But the noble Earl strangely overlooked the very important fact, that the speeches to which he referred as containing eulogies on the British Constitution were actually made for Reform in Parliament, and that these eulogies were a part of the argument for that Reform. It was plain, then, that some of the institutions of the country might be, or they actually were, very good in principle and efficient in practice, while others, the Representative one, might be neither one nor the other. It had been asked, but what, after all, would be gained by this Bill? He answered, that the people would be satisfied, and that hardly a greater benefit could be conferred upon a nation than to remove all sources of dissatisfaction. Need he add, that no dissatisfaction could be more dangerous than that of an enlightened and wealthy people with those who would deny them the means of a pure system of Representation. The truth was, that no argument could be more fallacious than the work-well one, for it would be found that beneficial results had grown up under circumstances of a most baleful nature, to which it would be absurd to attribute them. For example, the Irish Parliament, for thirty or forty years before its gross and scandalous profligacy led to the Act of Union, was a mockery of the very name of Representation, containing as it did 200 Members, over whose election the people of Ireland had as much control as the people of Siberia, and who had no principle but venality, and no occupation but sordid self-aggrandizement; and yet that Parliament, perhaps he should say in spite of it, owing chiefly to the exertions of a band of patriots and orators, of whom Lord Charlemont and Mr. Grattan were the leaders, was instrumental in raising Ireland from barbarism to comparative civilization—from poverty to comparative wealth, and in enabling Ireland to make the most rapid strides towards commercial importance. That profligate Parliament passed wholesome measures with respect to trade—repealed bigotted laws—removed several of the penal disabilities against the Catholics—and yet, surely, not even the noble Marquis (Londonderry), who was so eccentric in his political idiosyncrasies,

would venture to say, that the Irish Parliament was a faithful Representation of the people. The Union put an end to that monstrous system of profligacy, and, as completed by the admirable measure of Catholic Emancipation, for which the friends of Ireland never could be too grateful to the noble Duke opposite, had effected much towards improving the Representation of the Irish people. But much remained to be done which only a measure like the present could accomplish. The noble and learned Lord proceeded to observe, that though he had, when early in his political career, raised his voice with vehemence against the measure of the Union, and though he was far from regretting his conduct on that occasion, he, now that the measure had been completed, would resist its repeal to the last moment of his existence. Notwithstanding its monstrous abuses, the Irish Parliament effected some good as, notwithstanding the monstrous absurdity of the present Representation of Scotland the people of that country had advanced in wealth, intelligence, and national prosperity. But would any man deny that the people of Scotland were dissatisfied with their Representative mockery of a system? Could he deny that they would be thrown into a state of frenzy and fury by having their hopes of Reform disappointed? It required no very minute acquaintance with that country to be able to answer the question with confidence; all that was wanting was, a knowledge of the ordinary workings of human nature. That knowledge showed, that the natural result of increased wealth and intelligence was an increased anxiety for the possession of that right without which these advantages lose half their value, namely, political freedom. There were other topics which he was anxious to touch upon, but felt unwilling to trespass longer on their Lordships' attention. [*Loud cries of "adjourn," "adjourn," amid which*]

Earl Grey rose to move, that the Debate be then adjourned till to-morrow. As it would be impossible to finish the debate that night, and as many noble Lords were anxious to express their sentiments, and as he wished himself to say a few words in reply, he thought it would be expedient to stop then for that evening.

Lord Wynford was most anxious to explain his views of the Bill before the debate terminated, and felt disposed to do

so then. If, however, the noble Earl would say that their then adjourning would be a matter of personal convenience, he would not resist the Motion, and postpone his statement, which he promised then would be decisive against the Bill, till to-morrow.

Earl Grey did not feel, that he had a right to make his own personal convenience the guide of their proceedings, and was only anxious for the adjournment for the reasons he had stated. They might meet at an earlier hour than usual and continue up to five-o'clock to receive petitions, when the debate might be resumed.

Debate adjourned.

#### HOUSE OF COMMONS, *Thursday, October 6, 1831.*

MINUTES.] New Writs ordered. On the Motion of Mr. SPRING RICE, for Drogheda, in the room of JOHN HARRIS NORTH, Esq., deceased.

Bills brought in. By Mr. ELLICE, to Repeal an Act, 3rd George 3rd, and to provide for the more Speedy Auditing Military Accounts in Ireland. Read a second time: Consolidated Fund (1,800,000*l.*)

Returns ordered. On the Motion of Mr. POULETT THOMPSON, for an Account of all British and Foreign Manufactured Silks exported during the year 1828:—On the Motion of Mr. WILKES, for an Account of all the Friendly Societies existing in Great Britain and Ireland.

Petitions presented. By Lord INGLETON, from Farmers and Occupiers of Land, Roxburgh, against the use of Molasses in Breweries and Distilleries:—By Mr. KERRISON, from Magistrates, Clergy, and Inhabitants of Leishaldie, Fairford, and adjoining Villages, against the Sale of Beer on the premises of Licensed Beer Houses:—By Mr. HARR, from John Russell, of Wigmore Street, complaining of the conduct of Mr. Hoskins, one of the Marylebone Magistrates.

FRIENDLY SOCIETIES.] Mr. WILKES rose to present a Petition, which he considered well worthy the attention of the House; it was from the members of certain Friendly Societies, complaining of the laws by which such societies were regulated. One point of it had made some considerable impression on his mind; it was, that by the Act passed in 1829, all such societies were compelled to enrol themselves within three years: now, it appeared that 10,000 such institutions existed at that time, and, although they had been previously enrolled, they were compelled to repeat their enrolment, which was attended with considerable expense and inconvenience, for the Magistrates of various counties would not tolerate the enrolment until the provisions, besides being approved by a barrister, had been examined by actuaries, whose fees were 5*l.* each. The Act directed that the Clerk of the Peace should

file the rules of these societies without any expense, but, by the decision of the Magistrates, counsel and attorneys were obliged to be employed, which subjected each society to an expense of about 25*l*. This expense was paid out of the pockets of the poorer classes of the people, and the societies to which they belonged were compelled to incur this trouble and expense to obtain the advantage of placing their funds in Savings' Banks, and of being recognized by Parliament as communities worthy of its attention. He, therefore, thought that it was probable in the next Session of Parliament he should bring in a bill to remedy these defects.

Mr. *Strickland* said, he had much experience in the affairs of these societies, and as he knew that many of their funds were not in the most flourishing state, he thought they ought not to be subject to the expense mentioned by the hon. Gentleman, which could never have been contemplated by the framers of the Act. He believed the expense arose principally from the misconstruction of the Act by Magistrates at the Sessions. He did not believe the practice was general of requiring the rules to be submitted to the inspection of an actuary. It was of the utmost importance, therefore, that the hon. Gentleman should make himself thoroughly acquainted with the circumstances before he attempted to legislate upon the subject.

Mr. *Wilks* moved that the petition be printed, and on that occasion he begged to be permitted to make some few further remarks, which struck him as being of some importance. According to the last returns, it appeared that nearly 1,000,000 persons were associated in friendly societies; he had, therefore, endeavoured to make himself acquainted with the law and practice on the subject, and he could say, that some county Magistrates, and he would instance those of Cheshire and Warwickshire, required the rules to be examined by actuaries; other practices also prevailed, which increased the expenses improperly. It was, therefore, important that those hon. Members who attended Sessions, should make themselves fully acquainted with the subject, that the House might have the benefit of their advice in any future proceedings it might be necessary to institute.

Petition to be printed.

THE COMMON PLEAS.] Mr. *Hunt*

presented a Petition from J. J. Stockdale, complaining of the difficulty he found in obtaining the consent of any hon. Member to present his petition against the late Lord Chief Justice of the Common Pleas, which he (Mr. Hunt) supposed was owing to their being prejudiced against that person himself.

Mr. *Hume* said, he had been applied to to present this petition, but because it would be an interference with the proceedings of a Court of Justice, he declined presenting it. He was as ready as any man to punish acts of oppression; but he would never take any proceedings upon unauthenticated statements. This petition was offered to him for presentation nearly eighteen months ago, and it was now, he thought, too late in the day to attack the conduct of the learned Judge, the present Lord Wynford.

Mr. *Burge* said, that no earthly object could be gained by the presentation of this petition, and he regretted that the hon. member for Preston had not acted with the same caution as the hon. member for Middlesex.

Mr. *Hunt* said, he should never follow the example of the hon. member for Middlesex, of not presenting a petition, unless it were of that nature that a future motion could be grounded on it if necessary. He, however, had not presented this petition without first communicating it to Lord Wynford.

Petition laid on the Table.

TITHES—IRELAND.] Lord *Ingestrie* presented a Petition from forty beneficed Clergymen of the diocese of Leighlin and Ferns, complaining of the difficulty they felt in the collection of their Tithes, and praying that some redress might be afforded them. The right of the clergy to their tithes was as strong and as well-founded as that of the right of any gentleman to his landed property. There was a combination in some parts of Ireland against the payment of tithe, and although he knew the difficulty attending the general question of tithes, still he thought, that the Government were bound to provide for the execution of the law with respect to their collection. He did not mean to detract from the merits of the Catholic clergy; but he must say, that the recent attack of the hon. Member (Mr. Sheil) upon the Protestant Clergy of Ireland was undeserved and unjust. The Protestant clergy



discharged their spiritual duties in the most exemplary manner, and all the petitioners required was, that they should be supported in the maintenance of their just and lawful rights.

Colonel *Conolly* had been requested to support the prayer of this petition, and he did so with the utmost cordiality. These respectable petitioners would gladly forego a considerable portion of their legal rights in order to secure the remainder; but in consequence of the combination to resist the payment of tithes, the petitioners were reduced to the greatest difficulty and distress. That this system prevailed in the county of Kilkenny he could state of his own knowledge. The conduct of the Protestant clergy was marked with the most Christian forbearance, and yet they were stigmatized by a party in such language as must shock the ears of decency and humanity. The system of combination was rapidly extending in Ireland, and if the landed proprietors stood quietly by, while the property of the Church was spoliated, he could assure them that their own properties would be no longer safe. He attributed much of this combination to the writings of Dr. Doyle, which had almost sanctified it. He asked if such a state of things could last? They had now a most abundant harvest in Ireland, and yet the Protestant clergy could not obtain their rights, nor even a moderate portion of them: in fact, they could not go upon the farms to ascertain what portion of income they might derive for their sustenance.

Sir *John Newport* said, as the difficulty was complained of by the hon. Member, why did he not suggest some remedy? The clergy had the power of distraining for non-payment of tithes, and they exercised it; but there was no law to compel the purchase of such cattle or corn as might be distrained. The great objectors to tithe were Protestants of rank and station, and not the poorer Catholics, so that the blame should attach to the high in station and wealth rather than to the Catholic tenants, who paid rack-rents. It was well known that on potatoes in the north of Ireland tithes were not paid, while the people were compelled to pay them in the south. And it should not be forgotten that a public meeting was held in the north-west of Ireland some time ago, at which it was determined by the gentry to resist the payment of the tithe upon hay. However, he would in no degree justify any thing in the

shape of combination, while he feared the conduct of many of the clergy, in so insistingly upon their rights, had excited a considerable feeling of hostility against them. He sincerely felt for the privations of the clergy; at the same time he was convinced, that if the Tithe Composition Act had been more generally agreed to, much of these inconveniences would have been obviated.

Mr. *William Peel* said, that if Church property was not protected in Ireland, every other species of property would be insecure. He had been but a short time in Ireland, but while he was there he could bear testimony to the exemplary conduct of the Protestant clergy.

Mr. *Blackney* was of opinion, that the Government was not called upon to entertain the prayer of this petition, on the ground that the clergy, by their own conduct, incurred the ill-will of the people and drove them to resist the payment of their tithes. The system of collecting tithes by means of their proctors was vexatious and oppressive; and the conduct of many of the clergy, and more especially of many of those holding the Majesty's commission of the peace, derogatory to their sacred calling, calculated to destroy all respect for the law in the minds of the people. Many of the people were unable—utterly unable—as was well known—to pay the amount of tithes; yet they were willing to pay as much as was in their power, frequently made overtures to the clergy to make abatements in their tithes, but, with very few exceptions, those overtures were spurned by the clergy, and their dues exacted to the uttermost. Instead of showing any kindly feeling towards the people, they not unfrequently did every thing to excite them to discontent and opposition.

Mr. *James E. Gordon* considered that the non-payment of tithes could be traced to the influential writings of Dr. Doyle, who expressed a hope 'that the hatred of the people to tithes would be as lasting as their love of justice.' The Catholic clergy under Dr. Doyle acted upon his advice and told their flocks to swear their children against the payment of tithes. These appeals produced the combination against the Protestant clergy; and it was high time for the Government, and for this House, to interfere for the protection of the oppressed, and he would say—severe protection for the oppressed Protestant clergy.

Mr. Henry Grattan said, he would not prolong this discussion, but he must state, that the poor farmers in Ireland felt greatly aggrieved by the payment of tithes. He knew many instances of persons being put to considerable expense for the recovery of very small sums. The Protestant clergy had, in the south of Ireland, little or nothing to do except on the Sundays; and under such circumstances they should not be too strict in their exactions. He wished that the Tithe Composition Act was more generally called into use, for he knew that whatever charges might be made against the Catholics for not paying tithes, they had less reluctance to pay them than many influential Protestants, at least in his part of the country.

Mr. Lefroy regretted to say, that a strong combination had for a long time been getting up against the payment of tithes. It was not set on foot by the tenants, but by those who had an object in view, and who, looking to their own advantage, made such statements and disseminated so many malicious and plausible doctrines, that the poor peasantry fell a prey to their designs, and refused to pay their tithes. Amongst the numerous publications which were calculated to cause great injury and dissension, and were of the most reprehensible nature, was a letter addressed by a distinguished Irish prelate to a member of his Majesty's Government, in which the peasants were almost encouraged to resist the law enacting the payment of tithes in Ireland. That Prelate said, 'The Irish people, since their first conversion to the Christian faith, always understood rightly the gospel dispensation. They were always too rational and too acute to submit willingly to an unreasonable—I might add an unjust—imposition; and the law of tithe, whether civil or ecclesiastical, has never had, either in Catholic or Protestant times—no not to the present hour—the assent or consent of the Irish nation; they have been always at war with it, and I trust in God they will never cheerfully submit to it. It was imputed to them as a crime by Giraldus Cambrensis, that they had never paid tithe, and would not pay tithe, notwithstanding the laws which enjoined such payment; and now, at the end of 600 years, they are found to persevere with increased obstinacy in their struggles to cast off this most obnoxious impost. There

are many noble traits in the Irish character, mixed with failings which have always raised obstacles to their own well-being; but an innate love of justice, and an indomitable hatred of oppression, which no darkness can obscure. To this fine quality I trace their hatred of tithe; may it be lasting as their love of justice.' He could not but say, that the connection of the Ministers in this way with a person who was a decided partizan, did not go far to add to the respect due to their station. He should have thought that Government would have taken the case of the petitioners, and others similarly situated, into hand, and by a prompt arrangement, prevented such an example as some parishes had given, being generally followed.

Mr. George Dawson was sorry to say, that a combination existed amongst a large body of persons in Ireland, and that the parishioners, in many places, were afraid to pay their tithes. They were perfectly willing to do so—they acknowledged the right that was entailed upon them to comply with the law; but they were too much intimidated to act up to what they acknowledged was right. He had known instances in which the tenants had paid tithes in secret to the clergyman, and begged of him, as the greatest favour which he could grant, not to mention the circumstance, for fear it should reach the ears of parties who would take care to vent their vengeance upon them. He sincerely hoped that the right hon. Secretary for Ireland would deem it his duty to stand up in his place and declare that the Government was inimical to the illegal proceedings which took place in Ireland. He must declare that the characters of the Protestant clergy had been most unjustly assailed; and as to the exorbitant exaction of which they had been accused, he must say, that 2s. 6d. an acre was in general the sum, and not 3s. 6d., which was the *maximum*. Supposing it were 3s. 6d., how many tithe-payers would be content to pay that sum in England, where he believed, in general, tithes were twice that amount.

Sir John Sebright considered that 2s. 6d. an acre was no great sum to pay as tithes to the clergy of the Church to which a man himself was attached; but if the Catholic clergy were to make such a demand upon him, he should not approve of it any more than the Catholics did to pay the Protestant clergy.

the county. In the case of Wexford, too, the person appointed, Mr. Carew, possessed a princely property there, and was in all respects qualified for the station.

Lord Tullamore decidedly condemned many of the appointments, and observed, that in Carlow the principal nobility and gentry felt aggrieved and insulted that they should have been passed over, and an absentee, who was never for a week in the county, should have been appointed. Why Lord Downes should have been passed over he knew not, or Sir Thomas Butler, Mr. Rochford, or Mr. Kavanagh. The appointment of the latter gentleman, who was a descendant from the Kings of Ireland, would have afforded the highest satisfaction to the people. In Wexford why should the Government have overlooked the resident Peers, who had large estates in the county, and have appointed a Commoner who was a Member of Parliament for the county? Lord Courtown would have been a proper person for the office. The Nobleman appointed Lord-lieutenant of Tipperary was bed-ridden, and, though a most respectable nobleman, was quite incapable of performing the duties of his new office. It was an indictable offence for a Lord-lieutenant to influence elections for Members of Parliament, and how could it be possible for that gentleman to avoid it, he being sure to exercise his influence in his own favour. In King's County they had overlooked five Peers—who possessed most extensive property—and had appointed a Commoner.

Mr. Stanley observed, that there were not five Peers in the county.

Lord Tullamore said, that the right hon. Gentleman had proved to the House, by that assertion, how very improper the appointments were, by displaying such ignorance of the residences of the Peers in that county. He thanked the gallant Colonel for having brought forward this Motion, as it had given him the opportunity of expressing his surprise and disgust at many of the appointments.

Mr. Lambert was of opinion, the appointments in every instance were most wise and politic; and he would declare that, in his opinion, the Government would have acted most injudiciously and censurably if they had appointed Lord Courtown, with his political feelings, to preside over Wexford. The best proof of the fitness of Mr. Carew for the office was, his universal popularity.

Sir Robert Bateson said, that when the Bill was brought into the House he gave it his support, because he understood it was bottomed on the principle of encouraging the residence of the Lord-lieutenant in each county, and he considered non-residence or absenteeism to be the bane and curse of Ireland. The residence of the Lord-lieutenant in each county would be sure to secure the residence of a numerous and important class of persons. Ministers were palpably inconsistent. Their assertions when the Bill was brought into that House were, that there would be no exclusion on the ground of political opinions, yet, in spite of this, the Marquis of Waterford was rejected for his political opinions.

Colonel Conolly said, that he had supported the Bill because it was declared that the Lord-lieutenants would be an effective organ of communication with the Government—a connecting link between the county Magistrates and the Castle of Dublin. But he had been deceived. He deprecated the appointment of absentees, and he particularly condemned the appointment which had taken place for the county which he had the honour of being connected with. He saw that the objects of the country had been lost sight of by the appointment of favoured individuals, who resided as far from the county to which they had been appointed, as the county itself was from Dublin Castle. In alluding to the noble individual who had been overlooked in the county of Cavan (Lord Farnham) he must say, that his Majesty's Ministers should not take credit for impartiality on this occasion, as they had only appointed one Nobleman who was as violent in one extreme of politics as they charged Lord Farnham with being on the other. He would describe this from Horace: "*Dum vitant stulti vitia, in contraria currunt.*" He did not mean to apply the stulti to his Majesty's Ministers, but he could not forego his quotation merely out of courtesy to them.

Mr. Cresset Pelham said, they had recently heard so much of the rights of the people, that he was glad to be refreshed by hearing of the prerogatives of the Crown, which he began to fear were likely to be wholly lost sight of. He had no doubt that many of these appointments had been made from political views, and therefore he should support the motion of the gallant Colonel.

Sir John Milley Doyle was happy to see the Government paying attention to the interests and wishes of the people of Ireland, which had been particularly displayed by their appointment of the Lord-lieutenant for Carlow. He declared it impossible for the Government to have found residents in the different counties, who, if appointed Lord-lieutenants, would have given satisfaction to the people.

Mr. Anthony Lefroy said, the right hon. Gentleman had made a display of liberality by appointing Lord Lorton to the Lieutenancy of Roscommon, but who else could they appoint with decency? His Lordship was a constant resident, and was surrounded by a most thriving and industrious tenantry.

Mr. O'Connor said, that the appointment of the Lord-lieutenant for Roscommon was most objectionable to the county, from his being actuated by a spirit of proselytism. He was ready to allow that he was an excellent landlord, and a man of high moral character, but this unfortunate spirit rendered him very obnoxious.

Mr. Lefroy said, the charge made in this case against the Government was, that they departed from the principles upon which these appointments had been originally agreed to. He contended that, in many cases, most respectable residents were passed over, and strangers called in from other counties, to insult the Nobility and gentry who were residents. This was particularly the case in Cavan, Leitrim, Limerick, Waterford, and several other counties. Why, he would ask, was Lord Courtown passed over in the selection for the county of Wexford? That noble Lord was a resident, a man of large fortune and liberal principles, and when he made application to obtain the Lord-lieutenancy, the only answer he received from the head of the Irish Government was, that the state of Ireland required the appointment of Mr. Carew. This was an indignity which should not have been offered to so respectable a Nobleman as Lord Courtown. He (Mr. Lefroy) denied that the appointment of the Lord-lieutenant for Roscommon was unpopular, for no Nobleman was held in greater respect by, or deserved more regard from, the people.

Mr. Crampton said, that every species of material had been resorted to to give colour to this Motion—books, extracts from speeches, and private letters, and

private conversations. But he would not say anything which could savour of personal observation to the hon. Member who introduced this Motion. He would, however, assert, that there was no instance in which Ministers had departed from their original intentions when bringing in the Bill; that the appointments had been made under circumstances totally disinterested, and the selection was strictly impartial. The Act gave power to the Government to select for the appointment whoever it chose, and there was no direction whatever as to residence in the county, beyond that possessed by the Lord Lieutenant of Ireland, who had the power of ordering such residence in those instances where he might consider it expedient. At the time of the Bill passing, he supported the appointment of Vice-lieutenants, assuming the duties in the absence of the Lords-lieutenant of counties, because he considered it would insure the residence of the latter persons in the county; but no pléde had been given to impose their constant residence by Government. Out of the thirty-four Lieutenants of counties, only four were non-resident. This was the whole amount of the charge against the Government; and he was sure, if the appointment to Sligo had been made upon the recommendation of the hon. Member, the House would never have heard anything of this Motion. Many applications had been made to the Government by the hon. Member (Colonel Perceval) and many other Gentlemen who supported his Motion. The Lord Lieutenant of Ireland, however, in making the appointment for the county of Sligo, had exercised the power he possessed, and used a proper discretion, and he saw no ground for objection. He must, therefore, defend the appointments which had been made, and express his opinion, that the hon. Member who brought forward the Motion, appeared to consider that no one was fit to hold office in Ireland, unless he were of Tory principles.

Mr. Callaghan was sorry, at that late hour, that the time of the House should be taken up with the discussion of this question, but he was glad to see the cause of the people of Ireland attended to. The question was, whether the power and patronage should be in the hands of a few who formerly enjoyed it, or whether it was not better that it should be taken out of their hands, and given to those who

would exert their influence for the good of the people? He heartily approved of the appointments, and he believed the reason the House was troubled with this Motion was, because those who brought it forward had been disappointed that neither themselves nor their friends had been made Lord-lieutenants. He felt gratified by the appointment of Mr. Fitzgibbon to Limerick, as he was a gentleman of great respectability, of large property, and *Custos Rotulorum* of that county.

Mr. Maurice O'Connell said, the measure had been canvassed, and the great objection made by hon. Gentlemen in the Opposition, was founded upon the rejection of those friends they had recommended to his Majesty's Ministers. It was, after all, but natural and reasonable that the Government in its appointments should prefer their own friends, but he believed the appointments had been grateful to the country. With respect to the first appointment (Lord Duncannon) every hon. Member must allow there could not be a more honourable, upright, and straightforward man than that noble Lord. The appointment for the county of Waterford, also, that was objected to, was equally honourable and upright. In some instances, however, he must say, that he thought the Government had overlooked its best friends.

Mr. Walker approved of the appointment for Waterford.

Colonel Perceval, in reply, expressed a hope that the right hon. Secretary for Ireland would not suppose he had the arrogance to point out any individual to his Majesty's Government for appointment. He had only discharged his duty in recommending Mr. Wynne. He disclaimed all party feeling in bringing forward the Motion. He should, however, always contend, that non-resident appointments were bad. He begged leave to withdraw his Motion.

Motion withdrawn.

COURT OF EXCHEQUER (SCOTLAND).]  
The Order of the Day was read for the second reading of the Court of Exchequer (Scotland) Bill.

Mr. Kennedy trusted the House would bear with him, as the task of explaining the provisions of this Bill had been confided to him, in consequence of the absence of the learned Lord Advocate for Scotland, while he made a few observations. The

Bill had been in the Order-book for a long time, without the possibility of having it discussed; and he regretted to observe on the other side of the House, something like a suspicion that it was the wish of the Government to pass the Bill without discussion. That was not the case; on the contrary, those who supported the Bill desired nothing so much as that its merits should be well understood. The Court to which this Bill referred—the Court of Exchequer in Scotland, had, for a long period, and up to a very short time since, been composed of five Barons—one Chief Baron, and four Puisne Barons. A Committee, which was appointed some time since, on the motion of his right hon. friend, the member for Waterford, recommended that the number should be reduced to four; a struggle to avoid this reduction took place, but in course of time the number of Judges was reduced to four, namely, one Chief and three Puisne Barons; and subsequently, at a much more recent period, in the year 1830, the total number of Judges was to be reduced to two, namely, one Chief and one Puisne Baron; that was to say, when vacancies occurred they were not to be filled up, and they would not make the Judges of the Court above that number. Such seemed to have been the progress of opinion as to the propriety of reducing the number of Barons composing this Court, and now another era in its history arose, when it was justly conceived, that the business brought before it was not of sufficient magnitude to justify its continuance even on these principles. He would state what was the object, and what were the leading provisions of this Bill; the Court at present consisted of a Chief Baron and two Puisne Barons, because, owing to the unfortunate decease of a member of that Court, a vacancy had taken place, which, by the Act of 1830, could not be filled up. When another vacancy occurred, the number of Judges in the Court would be reduced to the amount fixed by the Statute of 1830. The Bill now on the Table of the House proposed that it should be in the power of all or any of the members of the Court to discharge the duties now vested in the whole Court. But in the event of the death or retirement of the Chief Baron and remaining Puisne Baron, it was provided that the duties of the Court should, in all respects, be performed by a Judge of the Court of Session, who should be appointed

to discharge all the functions of the Court as it now existed. The effect, therefore, of this measure, would not be to produce a large saving to the public in the first instance, as well as in the result, which would be the abolition of the Court, and the consequent saving of the expenses of the Chief Baron and the one remaining Puisne Baron. He would now briefly state the duties of the Court, and the amount and nature of the business which had recently been performed. The duties of the Court of Exchequer might be divided into two parts, the first consisted of the official duties belonging to the Court, and which related to the revenue of the country. Most of these were questions more of form than of substance, being chiefly undefended causes. From Returns which he held in his hand, and which might be relied upon, he would state to the House the number of cases which were tried in the Court of Exchequer, during the years 1827, 1828, and 1829, those being the three last years of the time during which the late Chief Baron presided in that Court. There were three Terms in the Court—in Candlemas Term there were no defended causes, and five undefended; in the next Term none defended, and nine undefended; in the summer Term one defended and eight undefended. In the course of the next year there were one defended and eighteen undefended; and in 1829 there were two defended, and thirteen undefended; so that, in the course of these three years, there were four defended, and fifty-three undefended causes, making a total of fifty-seven causes. And during the period which had elapsed since the retirement of the late Lord Chief Baron, and during the time that his right hon. friend, Baron Abercromby, had presided in that Court, which might be stated at eighteen months, there had been one defended cause. So much, therefore, as to the extent of judicial business; he did not mean to say, that these undefended causes did not come into Court—on the contrary, one or two witnesses were generally examined on the part of the Crown; but what he meant to say was, that no party came to resist the decision of the Court, which was founded on the evidence which it was absolutely necessary for it to take. There was another department of the business of the Court, which consisted in hearing the arguments of counsel on points of law, when they arose: within the last eighteen

months there had been one of these arguments, which occupied about an hour. This was all the judicial business of this Court—the remaining part of its duties consisted of Treasury business, connected with the taxes in various departments. These suits were, as in England, frequently settled out of Court; but there were some appeals brought before the Barons of the Exchequer, which were despatched by them with great facility, and therefore did not require any material consideration. An Act was passed at the instance of an hon. Gentleman on the opposite side of the House, in relation to the corporation rights, with a view to enable trustees to bring their cases before the Court of Exchequer, but which had not had the effect of preventing the existence of many abuses and great malversation. He did not mean to say, that the jurisdiction was not properly exercised; he merely stated the advantages which were taken of it. Indeed, it was not necessary that this expensive Court should be preserved on that ground. Another part of the business of the Court, related to deeds connected with charters, rights of property in Scotland, and superiorities, of which they had heard so much in that House: this jurisdiction must be exercised somewhere or other, undoubtedly. Now this department of the business had, for some time past, occupied the Court of Exchequer about six hours in each Term. Of course, every reform which had altered these privileges had greatly diminished the extent of this branch of the business; and there could be no difficulty, therefore, in this part of the duty being performed by Judges in whom it was proposed to vest the duties of the Court of Exchequer. The expenditure in Scotland by the Sheriffs, had been hitherto discharged from the revenue of Scotland, and supplied from the general revenue of the country. It was now settled that this sum—about 6,000*l.* a-year—should be voted by Parliament on the estimates, and it certainly would be a very unfit thing that individuals, sitting as Judges, should be called upon to determine matters connected with a sum of money which was afterwards to receive the consideration of this House; and, therefore, this expenditure would not again be brought under the consideration of the Court of Exchequer. The Treasury business was, in the first instance, substantially conducted by the King's Remembrancer. Under this es-

establishment the amount of the expense that was incurred was known. The establishment was very efficient, but still there were irremediable evils arising from the present system, and the whole of the superintending duty, whether the Court were abolished or not, ought to be put under the direction of the Board of Treasury in London; there surely could be no necessity, when that Board existed, for sustaining the expense of this establishment. The judicial business of this Court had been managed according to the English law. Until lately, there had been four solicitors, or attorneys practising in this Court, but in consequence of the death of one of these individuals, the number was reduced to three, and there was no individual rising to succeed these three gentlemen, who, in the ordinary course of nature, must soon cease to practise. Such was the state of this Court as it was left by the Act which was passed in the year 1830. Two courses were left open for the adoption of his Majesty's late Government with respect to this establishment; either to superadd to it such functions as seemed to accord well with the character of the individuals placed in it for life, as no doubt they were, like any other Judges; or if it was thought unfit to do so, it was for Parliament to decide whether the Court ought not to be put an end to. He did not mean to disparage the individuals presiding in this Court, but if the Court of Session could discharge the whole of the duties of the Court of Exchequer, and if the Judges of that Court were to retire, there might be a saving of the whole expense of the Court. Various objections to this measure would be brought forward; it had been thought necessary to have an English Baron to interpret British Acts of Parliament, which Scotch lawyers were not supposed to understand; but by the sixth report of the Commissioners appointed to inquire into this subject, it was declared, that it was no longer necessary or requisite to keep up the office of the English Baron. Their report contained this recommendation:—'With the exception of one of our members we concur in thinking five Barons are entirely unnecessary, and that the business might be conducted by four, as it is in the Court of Exchequer in England, without adding to the labour of the Judges.' In the year 1820, my Lord Sidmouth had been desirous of ascer-

taining whether it was possible to comply with this recommendation, and, accordingly an inquiry was directed to be made as to the propriety of carrying this recommendation into effect; and in 1820 a report was made, stating that it was deemed by the heads of all the Courts in Scotland, quite impossible to conduct the business of the Court of Exchequer without five Barons: this was stated in the strongest and most decisive terms. No reduction in the number of the Judges, therefore, was made for some time afterwards, but in the year 1830—he would call the attention of the House to this circumstance, in reference to the charge which had been made against the present Government, of acting without inquiry—in the year 1830, up came the right hon. Baronet, and, contrary to this strong recommendation, proposed to the House a measure by which one half of the Court would be lopped off at once, and without inquiry. He did not mean to say that the matter was not maturely considered, but merely mentioned the fact, because it afforded a complete answer to any charge that might be made against his Majesty's Government, on the ground of proceeding without inquiry. He hoped hon. Members would not endeavour to excite any sympathy in the mind of the House in favour of this Court, on the ground of its being one of the ancient institutions of Scotland, because it was an English Court, for which the Scotch had never had any peculiar love; and its constitution was changed in the year 1830 without inquiry, which was a strong argument to shew that his Majesty's Government might have considered the effect of this measure before bringing it forward. When a member of this Court chose to resign, an individual would be selected from the jurisdiction to which he had adverted, who would be called upon, by a special commission, to discharge the duties of the office. This Bill originated in the other House of Parliament, in which bills for amending the judicial establishment were wont to originate: it had passed the House of Lords without objection, alteration, or comment, and it was now recommended to this House for its consideration.

Question put that the Bill be now read a second time.

Sir William Rae was aware that another opportunity would be afforded for a more ample discussion of this measure; but he would take this opportunity

of saying, that he had no fault to find with the statement of the hon. and learned Gentleman opposite, as far as it went: because, as far as he had explained the objects of the Bill, he had done so fairly and satisfactorily; but there were some words in the preamble of the Bill which certainly had excited his attention, and which would not have been inserted there unless they referred to something not now in the Bill, or to something hereafter to take place. The words were, 'That it is expedient that provisions should be made for facilitating the retirement of the Barons.' He did not exactly understand what was meant by these words; no doubt the noble Lord, the Chancellor of the Exchequer, would be able to give some explanation of this passage. Before they proceeded to discuss the principle of the Bill, it was important that the meaning of these words should be correctly understood.

Lord Althorp said, the right hon. Gentleman having asked the meaning of these words, he would beg to give him the information which he desired—under the existing law, any Baron of the Court of Exchequer, who had held his office for fifteen years, was entitled to a certain proportion of his emoluments, by way of retiring pension. The object of this Bill was, entirely to do away with this. The Judges who at present presided in that Court had their pensions taken away, and therefore, until they chose to retire, they would have a right to the whole of the salary attached to their office. With respect to the Senior Barons, who had for a very considerable time held these offices, it was proposed to give them the option of retiring on three-fourths of their salary. With regard to the Lord Chief Baron, however, who had been a much shorter time in office, it was proposed, by way of holding out an inducement to him to retire, that he should have the option of receiving one-half of his salary, as a retiring pension. Thus the saving to the country would be one-half of the Lord Chief Baron's income, and one-fourth of the salaries of each of the other Barons. It was true the present Lord Chief Baron had been in office but a very short time; but as the office was granted to him for life, he would of course retain it, if he should not consent to this arrangement. With respect to his appointment in the first instance, he should not do justice to

his own feelings, or to those of the Lord Chief Baron himself, if he did not say that the appointment of his right hon. friend to that office did great credit to his Majesty's Ministers, and that it had been fully justified by his conduct and talent. It was certainly very much owing to his representations, that the existing state of the Court of Exchequer had been taken into consideration; and, therefore, it would be quite contrary to all the principles on which the Government of this country proceeded, to deprive a Judge of his office, without giving him some compensation for the loss of it. This was the state of the case; and he trusted the House would think that the circumstances warranted this proceeding.

Mr. Hume said, the principle on which they were proceeding was the most extraordinary he had ever heard of in his life. His hon. and learned friend had given quite sufficient reason to justify the abolition of this Court three years ago; he had stated, that during the three last years there were only four causes, and yet when he (Mr. Hume) strongly urged that on the House two years ago, he was met by assertions that the Court could not be done away with. What did they do only one year ago? They increased this Court, by placing in it a very fit and competent man, no doubt, but so far from his Majesty's Government receiving any credit for that appointment, which the noble Lord appeared to think they deserved, he (Mr. Hume) condemned it at once, and called it a job, a rank job, for some purpose or other, and if it were done for the purpose of obtaining the support of any nobleman for the Ministry, it was an abominable proceeding. It had been held that a Judge who was appointed for life should not be removed so long as he conducted himself properly, and while no complaint was made of him; but were the people of England to be told, that a Judge who had been one year and a-half in office was to receive a pension of 2,000*l.* a-year? This gentleman had not been in office more than a year and a-half, and yet he was to be put down in the Pension-list for 2,000*l.* a-year, at a time, too, when they ought to economise. This was a most objectionable proceeding; this Bill came down from the House of Lords without explanation, and they were to be told now at the last moment—at the eleventh hour—what it proposed to do. Why was not this Court abolished at



once? Why were they to have any of these half-and-half measures? Why go beating about the bush in this way? There were now two legal Bills in progress; one had for its object the abolition of a Court, the other the establishment of one; why should not the Lord Chief Baron of the Court of Exchequer preside at the head of the new Bankruptcy Court? Surely, it would be no degradation to him? He would take the office after the Lord Chancellor: and, upon principle, this would be the most likely way of doing justice to all parties. What was there in the Bankruptcy Court for four Judges to do? Why could not three be dispensed with, and the Lord Chief Baron of Scotland preside in the Court? He could not be incompetent to fill the office; for he was for many years a Commissioner of Bankrupts, and was well acquainted with English law. Why, the office was just fitted for him. It would be much better to bring in a Bill to abolish the Court of Exchequer at once. With regard to the other Judges, if they could not be made useful, let them have the retired allowance in consequence of their long services; but the idea that the Chief Baron, who had been only fifteen months in office, should receive a pension of 2,000*l.* a-year, was monstrous, and he hoped the proposition was one which the House of Commons would never consent to. Some alteration, therefore, should be made in this Bill in Committee, and the services of the Judges should be made available elsewhere, instead of placing them on the Pension-list. If the Chief Baron were made the Judge in bankruptcy, the country would save 1,000*l.* a-year, or, if desirable, give him 4,000*l.* a-year; but really, to talk of four Judges in bankruptcy appeared to him to be quite absurd.

Mr. Robert Ferguson expected nothing but opposition from the hon. member for Middlesex in questions of this nature; yet he was surprised at the observations he had made. How could he call the saving of 2,000*l.* a-year in one instance a job? If there was a man in England who would scorn the insinuation of jobbing, it was the present Lord Chief Baron of Scotland. During the last Administration, his right hon. friend, the member for Bute, obtained the appointment of a Committee to inquire into this subject, but it was ultimately agreed that the Court of Exchequer should remain as it was. In progress of time, however, it had been reduced to a Chief

Baron, and one Puisne Baron. His hon. and learned friend, in agreeing to this arrangement, acted with the greatest honour and propriety, because he cut down that which his long services and high station so justly entitled him to. During the former Administration there occurred a vacancy, and he had always viewed with the greatest satisfaction the course adopted by the noble Duke at the head of his Majesty's Government at that time. He well knew the merits of the right hon. Gentleman in question—he recollected the political events which had thrown him out of public life—he remembered well his merits, and he sent to him and offered him the appointment. This was a most honourable trait in the character of his Grace the Duke of Wellington. The present Lord Chief Baron accepted the office, and he went down to Scotland, considering it as a permanent situation, with 4,000*l.* a-year; of course he had ascertained that before he consented to fill the office. Upon that conviction he expended a considerable sum in purchasing a house, and furnishing it from top to bottom. He soon discovered that the Court afforded him hardly anything to do, and then, instead of contentedly receiving this large salary, and doing nothing for it, he was the first to give an opinion in favour of merging that Court in the Court of Session. He knew that it was sacrificing 4,000*l.* a-year, but his virtuous mind could not brook the idea of its being kept up as a separate Court, merely on account of his personal interest, and, therefore, he gave the advice he did with respect to it. There was no man to whose acts the term jobbing was less applicable. He was almost inclined to beg the Government not to propose giving him a farthing, but to appeal to a vote of the House on his conduct.

Sir George Warrender had not made up his mind as to whether the Court was not useful, or might not be made so, by having additional business thrown into it. He had suggested, on a former occasion, that the duties of the Admiralty Court, and of the Commissary Court, should be transferred to the Court now proposed to be abolished, which would have been much better than transferring them to the Court of Session. These suggestions arose out of a correspondence he had, not only with lawyers in Scotland, well acquainted with the practice of the different Courts, but with high authorities there, and had those

suggestions been adopted, there would have been an ample share of duty allotted to that Court. Undoubtedly, at present, its duties were chiefly executed by the King's Remembrancer, a most active and intelligent Officer, who, he expected, would be continued in the exercise of his functions. They ought not, however, at once to abolish this Court without inquiry into the possibility of making it efficient, and thus save the public the payment of a pension of this magnitude. He fully concurred in what was said by the hon. and learned member for Kirkcudbright, with regard to the right hon. Baronet below him.

Sir William Rae was a little surprised when he heard of the bringing in of this Bill, and recollected that it was not more than a year since the appointment now proposed to be done away with was made; and still more was he surprised when he found that this was a Bill relating merely to one Court; and that its preamble did not even profess to improve the Administration of Justice, but merely to save expense. He should have expected, too, that a Bill of this kind would have been brought forward by the Lord Advocate. His absence was to be regretted as they should have heard from him the nature of the inquiries he made previous to deciding upon the abolition of this Court. He (Sir William Rae) had made inquiries before him, when the question was simply as to a reduction in the number of the Judges. Now this was a much more important question, for it related to the entire abolition of the whole Court. He doubted the Lord Advocate's having made inquiries similar to his; but, at any rate, they ought to have had some information upon which to go, so that they might have been satisfied, first, that the Court ought to be abolished; and secondly, that its duties would be advantageously discharged by their being allotted in the manner proposed by the Bill. His hon. friend opposite represented the Court of Exchequer as one of very recent origin; but the fact was, that the report of the Commissioners who investigated the Courts of Justice in Scotland, stated that it was not known at what period it was established. It was obvious, that some Court of the kind must have existed from the beginning of the Monarchy, and there were documents extant in the Court of Exchequer, bearing date 1300. From that period, up to the time of the Union, the Court of Exchequer

continued to be a useful Court; and to shew the regard our ancestors had for it, the nineteenth article of the Union provided that it should have the same powers as the Court of Exchequer in England. From the time of the Union to the present day, no one had ever dreamt of its abolition. With respect to its Juries, they were set forth at great length in the report to which he alluded, but they were briefly these. The Court tried at the bar all cases of offences against the revenue by a Jury; it decided all questions of law arising out of a special verdict, besides which, all questions in which the revenue was concerned were liable to come from the other Courts; and all cases of dispute with regard to the assessed taxes, the appeal went to the Barons of the Exchequer; they examined Sheriffs' accounts, and performed a variety of other duties of that description. The number of cases on the paper of the Court of Exchequer in 1815 was 103; in 1816, ninety-seven; and in 1817, 100. The number of cases tried at bar in 1816, were forty-three; in 1817, sixty-six; and so they went on increasing for several years, till they reached an average of ninety-eight. He should like to have had returns of the other duties performed by the Court of Exchequer, for it appeared extraordinary that this Court, which, at the Union, was declared to be necessary when the whole receipt of Customs did not exceed 35,000*l.*, should now be declared unnecessary, when the revenue of Scotland was above 5,000,000*l.* The hon. member for Middlesex thought it his duty, several years ago, to call for various returns connected with the Court of Exchequer. His motion created alarm in the Commissioners of the Revenue, and the result was, a complete change in their arrangements; and, among other things, it put an end to the system of compounding for offences, which had led to great abuses. Having no interest in this question, he hoped the noble Lord would not put him in the situation of a party opposed to the Lord Chancellor; he opposed this Bill purely because he did not think that an ancient Court should be so unceremoniously abolished without inquiry, and because he was confident that, were proper means taken, an abundant share of business might be found for it. There was one practice of this Court which would meet with the approbation of the House. Where men were too poor to employ counsel, the Judge, with the greatest

anxiety, acted the part of counsel for them, watched every part of the proceedings, and if the evidence was not complete against the defendants, directed the Jury to find for them. But if a Chief Baron of the Exchequer was not wanted in Scotland, why was one wanted in England? Why was not the Chief Baron set aside here? Because every one felt that the Court of Exchequer ought to be confided to the ablest and most dignified hands. Whatever might be said to the contrary, he was quite satisfied that the people of Scotland were attached to the ancient Exchequer Court of that country; and would regard its demolition in any other than a favourable light. It was necessary for the Government to institute further inquiries before they proceeded to take a step which would be unpopular in Scotland. A bill for making some alterations in the practice of the Scotch Court of Exchequer, was introduced into this House in June, 1830. He regretted that the hon. member for Middlesex did not make it his duty to attend at that time, and state his objections to the Court. The constitution of the Court was then brought fully under the consideration of Parliament; and the opportunity would have been a proper and a convenient one for the hon. Member to have raised his objections, but he was silent. The present Lord Chancellor, however, at that time a Member of this House, went through all the clauses of the Bill then proposed, and discussed every part of it. Having done so, he (Sir W. Rae) appealed to the House to say whether he did not pronounce the measure then under the consideration of Parliament perfectly satisfactory. It would be remembered, that the Bill was passed in July, 1830; in the November following he left office; but he had previously been at the pains to communicate with the present Lord Chief Baron of Scotland, upon the subject of the Exchequer Court; and, in reply, he received a letter from him, in which he did not throw out one single suggestion as to the propriety of abolishing that Court. The present Chief Baron of England, too, at that time Lord Chancellor, approved of the Bill introduced in 1830, and lent his aid to carry it through Parliament as a proper measure. All these persons, as well as the majority of the Members of this House who were present during the discussion of the measure of 1830, concurred in the

statements which were made, and were of opinion that the Courts of Scotland would, by that measure, be placed upon their proper footing. He felt bound to make these observations, to explain the course which he took while he was in office. The Government of that day chose to place confidence in him as their officer. No bills upon the subject of the Scotch law or the Scotch Courts of Justice were brought into this or the other House of Parliament without his knowledge. Whatever he proposed as an amendment of that law, or as a judicious reform of those Courts, was accepted by the Government, and measures were introduced accordingly. Thus he abolished the Jury Court, the Court of Admiralty, and the Consistorial Court, imposed heavier duties on the Court of Session, yet deprived it, as well as the Court of Exchequer, of two Judges each, effecting by all these measures a saving to the public of 23,000*l.* a-year. Such a course of proceeding on his part, during the short time that he was in office, might satisfy the House, that if he thought the abolition of the Court of Exchequer would have done good, he should not have hesitated to have come down to Parliament with a Bill to abolish it. The day for patronage was gone by, and the late Government had certainly no greater regard for it than the present. If they abolished the Court of Exchequer, in what way were its various and important duties to be performed? It was proposed to vest them all in one *Plaintiff* Judge of the Court of Session. That was a most objectionable proposition. At this moment there was not in the Court of Session a single Judge who ever was present at a trial in the Court of Exchequer, or oversaw any part of the proceedings there. It was vain to suppose, then, that a Judge from the Court of Session could properly be appointed to perform the duties of the Court of Exchequer. Would he be able to direct a Jury? Where Juries were impanelled, it was necessary that they should be properly charged. A Judge from the Court of Session would be utterly incapable of performing that important duty. There was not at this moment in that Court a single Judge who would undertake to do it. It was true, that where money was in the case, men would undertake to do anything; but certainly no man of character and reputation in the Court of Session would undertake the perform-

ance of this duty. But, putting this out of the question, how would the Court of Session be able to spare one of its Judges to attend to the business of the Court of Exchequer? By the measures which he introduced and carried through Parliament, the whole of the business of the Admiralty and Consistorial Courts had been thrown upon the Court of Session, the number of whose Judges had, at the same time, been reduced. The result of all this was, that that Court had now so much business pressing upon it, as to render it perfectly incapable of performing more. Were they then to take away one of its Judges, and to impose upon him the performance of duties of which he knew nothing? As far as he was at present informed, therefore, and as far as his own experience of the practice of the Courts of Law in Scotland enabled him to form an opinion, he was decidedly opposed to the provisions of this Bill. If it could be shewn that expense would be saved, and the administration of justice equally well administered, by the abolition of the Court of Exchequer, he should be perfectly ready to acquiesce in it, but further inquiry was necessary to bring anything like conviction to his mind upon that point. At present the Court of Exchequer was highly useful. It had existed in Scotland from the earliest ages, and had always performed its duties in a satisfactory manner. Was this Court then to be abolished? He felt the more anxious upon this point, because he expected if this measure were carried, that other changes in the judicial establishment would be proposed. He had heard that certain changes were in contemplation with respect to the Court of Session, and the Sheriff's Court, which every Scotchman would admit were most valuable. When these things were attempted, it was necessary that the friends of existing institutions, which, after long experience, had been found to work well, should make a stand and demand of the right hon. Gentlemen opposite that they should not abolish these old institutions until they had first ascertained that their duties could be more satisfactorily performed in a different manner. In all other instances in which changes had been proposed in the judicature of Scotland, commissions had been appointed to ascertain how far they could be made with propriety. In 1808, 1826, and 1827, Commissions composed of the most emi-

nent lawyers of the day, were sent down to institute inquiries before changes were made. In short the practice had been universal. Why, then, should it be departed from in this instance? If the noble Lord pressed this measure, without inquiry, he would be acting most disrespectfully towards Scotland, and at the same time holding the former practice of this House in utter derision.

Mr. John Campbell heartily approved of this measure in all its parts. He was totally unconnected with the Government, and acted in the exercise of his independent judgment. His vote upon this occasion would certainly be disinterested, because the office of Chief Baron of the Court of Exchequer in Scotland was one which he was by law competent to hold, and the duties of which, perhaps, without overweening confidence, he might consider himself not unqualified to discharge; and it would undoubtedly be very agreeable if, in his old age, he should be appointed to an office which, with a salary of 4,000*l.* a-year, would impose upon him no further trouble than to dispose of five cases in four years. That would indeed be *otium cum dignitate*. The Bill had been opposed by the hon. Gentlemen on the other side of the House upon very inconsistent grounds. The hon. member for Middlesex said, that the Court of Exchequer of Scotland ought to be abolished, not by gradual measures, but immediately and at once; and he maintained, that the allowing it to remain by the bill of 1830 was a gross job. With that point, however, the House had now nothing to do. They must consider, not what ought to have been done in 1830, but what they were bound to do in 1831. In reference, however, to what the hon. member for Middlesex had said, against the impolicy of a gradual abolition of this Court, when it was possible to get rid of it at once, he would merely observe, that on financial grounds, its gradual would be better than its immediate abolition—for if they abolished it at once, they must be at the expense of retiring salaries to the Judges, in addition to the salary of the new Judge whom they would appoint. The right hon. Baronet who had addressed the House in opposition to this measure, had mistaken several material points. Undoubtedly, he had strong Scottish prejudices—they had been particularly manifested by the manner in which he had alluded to the Attorney

General, whom he suspected of having swollen the number of informations, for the purpose of increasing his own fees. Had the right hon. Gentleman been more aware of the practice in England, such an idea would never have entered into his honourable mind. The right hon. Gentleman had said much about an insult to Scotland, and a violation of the Articles of the Act of Union, by the abolition of the Court of Exchequer. If there was any truth in that argument, the right hon. Gentleman had himself been guilty of both the crimes which he now seemed to view with so patriotic a horror. By the 19th Article of the Act of Union it was expressly enacted, that the Court of Admiralty should remain, yet the right hon. Gentleman himself brought in a bill to abolish that ancient Court. That he was guilty of a violation of the Act of Union, therefore, could not be doubted; and, according to his own argument, he at the same time grossly insulted his native country. He (Mr. John Campbell), however, was grateful to him for the beneficial measures which he proposed and carried in the year 1830; and he only regretted that among them was not included the abolition of the Court of Exchequer. But the right hon. Gentleman said that the people of Scotland were attached to that Court. They were strongly attached to its offices and salaries, but to nothing more; and when the right hon. Gentleman was introducing so many sweeping measures with respect to other branches of the Scotch judicature, he might very reasonably have found courage to lop off this its most useless limb. My Lord Tenterden, in half an hour at Guildhall, disposed of more business than the five Barons of the Scotch Court of Exchequer did in four years. It was an insult to the country to continue such a Court. Its offices were mere sinecures. It was not very probable that the business of the Court would increase, and there was not sufficient now to give moderate occupation to one of the Judges of the Court; therefore, it ought to be entirely abolished. The right hon. Baronet (Sir William Rae) said, that this Court had existed from time immemorial, and therefore ought to continue to exist. The Court was established to meet certain exigencies, but if these no longer existed, and it could, without detriment to the public service, be taken away, he saw no possible reason why it should be kept up. The right hon.

Baronet said, that the Court of Exchequer in England did very little business, and ought, on the same ground, to have been abolished. But the cases were essentially different. The House was aware, that formerly most actions were tried in the Courts of King's Bench and Common Pleas, and but comparatively few in the Court of Exchequer: since, however, Lord Lyndhurst had become the Lord Chief Baron of that Court, and the right to practise in it had been thrown open to all attorneys, instead of being confined to six, it had become one of the most efficient Courts in Westminster Hall. But in the Court of Exchequer in Scotland, the business never could be increased, for private actions could not be tried in it. Nor was there any occasion to transfer to it a share of the business of any other Court. There were no arrears in the Court of Session, which, with its two Chambers, was amply sufficient to transact all the civil business of Scotland. The right hon. Baronet alluded to the Court of Exchequer in Ireland, but that was not merely a Court of Revenue, but it was the greatest Common-law Court in that country, for more actions were tried there than in the King's Bench and Common Pleas together; there was also nearly as much Equity business as there was before the Lord Chancellor. This Scotch Court of Exchequer reminded him of Mr. Burke's description of the Board of Trade—a place in which uninterrupted tranquillity prevailed. The hon. member for Middlesex thought that it was most unreasonable that Mr. Abercromby should have a retiring salary. Now, surely nobody would deny that that gentleman had a freehold in his office, and no one could blame him for receiving his salary, for the office was now his as long as he chose to continue to discharge the duties of it. If the hon. Gentleman thought it necessary to censure, he ought to blame the late Government, who bestowed the office on Mr. Abercromby, when perhaps they ought to have abolished it. It must be recollected that Mr. Abercromby gave up all his practice at the English Bar when he accepted this office, and to which there was a salary annexed of 4,000*l.* a-year, and it was absurd to suppose that they could, without doing an act of injustice, abolish his office without giving him compensation. If this Bill were thrown out, they would do the public no good, but they had

an opportunity of making a considerable saving by passing it. In this instance it was proposed to give the Chief Baron one-half, and the Puisne Baron two-thirds of their salaries; but when the Welsh Judgeships were abolished, the whole of their salaries were allowed to them for life, and no opposition was made to that arrangement. Two of these gentlemen did not receive compensation, in consequence of having entered into an understanding when they accepted office, that compensation should not be given them. This case was, however, essentially different; and as it was obvious that Mr. Abercromby never could return to the Bar, he was entitled to an ample retiring salary. He could not be blamed for renouncing a sinecure with 4,000*l.* a year for a sinecure with 2,000*l.* But what weighed most with the hon. Member was, that by this Bill Scotland would be freed from the mockery and the scandal of Judges, in their flowing robes and great wigs, taking their seats daily on the bench of justice, and immediately rising because they had nothing to do. An avowed sinecure might be endured; but the holder of an office with ostensible and no actual duties, obtained money on false pretences, and was in danger of incurring odium himself, and of bringing into discredit the institutions of the country.

Sir George Clerk must protest against this measure for abolishing one of the most ancient Courts of Judicature in Scotland. He was quite at a loss to understand how the hon. and learned Member who had just sat down could have fallen into such incomprehensible mistakes on the question before the House. His surprise was the greater when he recollected the deservedly high character the hon. and learned Gentleman bore for his great legal attainments and extensive knowledge. Considering these circumstances, he ought to have made himself better acquainted with the duties performed by the Judges of these Courts. He was ready to admit that the Court of Exchequer in Scotland was confined to the adjudication of revenue cases, and not, as the same Courts in England and Ireland, open to the trial of all other cases. He did not know what authority the hon. member for Ayr had for making the assertions he had that night made, relative to the administration of justice in this Court, and in support of this measure, which was to make most important alterations in the constitution of

one of the most ancient Courts of Justice in Scotland. He protested against being called upon to assent to any measure of such importance, without ample time being given for its consideration, both by the public and Parliament. The hon. and learned Member said, that he spoke from authority, in declaring that not more than a very few unimportant trials took place in this Court in the course of the year. This was not the case, but the question was whether the Court was advantageous for the administration of justice? This Bill was brought forward by the Lord Chancellor in another place, and it was supported by the Government, but not a single member of the Administration, except that noble and learned Lord, seemed to know anything about the matter. The hon. and learned Gentleman who spoke last seemed to be in the same predicament, and to know just as little of this Bill. His right hon. friend, with his usual ability, had made apparent the very great difficulties that might arise from adopting the course now pointed out. It was clear, too, that the account given by his right hon. friend of the business of the Court was so very different from that made by the hon. Member, that they must have been obtained from different sources; this, at least, was a proof of the necessity of further information before they proceeded to legislate upon a subject of such importance. Hon. Gentlemen might attach little consequence to revenue cases, but did they remember what a vast variety of suits they comprised, and what important results depended upon them? The hon. Member said, "that the Court was not mentioned in the Act of Union with Scotland;" and that, therefore, there could be no objection on this ground to make any alterations in its constitution, and that this was not the case with the Court of Admiralty, which was abolished on the recommendation of his right hon. friend now near him. But the hon. and learned Gentleman forgot that all the duties performed by the Admiralty Court were transferred to the Sheriffs' Court, where the questions could be decided with equal satisfaction to the parties, and at less cost. The noble Lord said that evening, that this measure was of a pressing nature, and therefore must come on before the West-India Question. He was at a loss to understand what there could, by any possibility, be of a pressing nature in this

Bill; he recollected that the Lord Chief Baron was to be one of the departmental Gentlemen for the Reform Bill. It was, therefore desirable to relieve that learned and able Judge from his other duties, and also to settle a comfortable salary upon him, before they sent him on his riding commission over the country. Considerable discretionary power was allowed to this Court in the administration of the revenue laws, and it was obviously a power upon which it was necessary to exercise great judgment; before, therefore, they abolished the Court, they ought to take effectual steps to prevent the administration of the law being affected by it. The noble Lord must recollect the celebrated motion of the present Lord Chancellor, then Mr. Brougham, with reference to the administration of the revenue laws which would go a considerable way in opposition to the present measure. He perfectly agreed that one of the Judges might be taken from the Court of Session to try these cases, but he denied the expediency of doing so. His decided opinion was, that the present measure was nothing but a job, and he would point out some few particulars to the House, which would induce them to agree with him. The case of the Welsh Judges had been referred to, but it must be remembered that that was a decided improvement in the administration of the law, which the country absolutely called for; and those Judges recently appointed were not pensioned off. In this case, however, without any apparent reason, a reduction was to be made nominally, but the public were to be charged with three-fourths of the retiring salaries of the Judges. The Chief Baron was to have half his salary, although he had been scarcely eighteen months in office. Thus with a salary of 2,000*l.* a-year, the learned Judge would be enabled to travel about as a Parliamentary Commissioner. He did not know whether provision was to be made in the Scotch Reform Bill for the two Puisne Barons of the Scotch Exchequer. If they were not to be inserted in the Scotch Reform Bill, doubtless there was some other snug job *in petto* for them. The retiring salary, however, of 2,000*l.* a-year, with nothing to do, would satisfy them doubtless, and especially when accompanied with a hope that they would be partakers in some of the good things bestowed so liberally by the present Government. All that had been said

on the other side of the House had had reference to the salaries—the suitors had not been consulted as to the abolition of this Court—and not a word had been said as to the questions of importance decided in this Court. These, however, were considerations of at least equal importance when they were discussing a measure as to the constitution of a Court of Justice. The noble Lord proposed to throw all the additional duties on the Judges of the Court of Session in Scotland; but it was not more than an act of justice to them if they gave to them additional duties to perform, to give them increased salaries; and he would here take the opportunity of referring to a subject not immediately before the House. In 1825 an increase was made to the salaries of the Judges in England, but nothing was done for the Scotch Judges. In 1827, on the motion of Lord Goderich, who was then Chancellor of the Exchequer, relative to the abolition of the Scotch Jury Court, some allusion was made to this subject, but the matter was not persisted in. The question was deferred in consequence of some slight difficulties, and was not afterwards taken up. He trusted, however, that the noble Lord would take the subject into consideration, and would, on an early day, bring forward a motion for the purpose of increasing the salaries of the Scotch Judges. The hon. and learned Gentleman said, that the House could not refuse to give Mr. Abercromby a retiring salary of 2,000*l.* a-year for abandoning his professional business, for he could not as a Privy Councillor, return to the Bar. He was not aware that Mr. Abercromby had an extensive business at the bar, and did not object to his having a retiring salary; but he protested against the mode in which this measure had been brought forward and was persisted in. He well recollected the outcry hon. Gentlemen opposite made to the pensions allowed to Mr. Dundas and Mr. Bathurst, when they retired from the Victualling and Navy Board, for the purpose of an important reduction being made in their departments, although there was a positive understanding that they should be called upon to supply the first vacancies that occurred in these Boards. And yet hon. Gentlemen, who cried out so loudly against this clause, voted half his salary to the Lord Chief Baron of Scotland, although he had not been eighteen months

in office. With what pretence could the noble Lord censure former Administrations with having been guilty of jobs, and making changes purely for the purpose of giving places? He was quite at a loss to see how this conduct could be justified; and nothing had been said on this subject in the least degree approaching to a justification. Whatever was to be done, he hoped that the House would not dwell on a mere statement of the number of causes tried in so many years, and proceed to abolish this Court, without taking into consideration the important duties which it had to perform, more especially when a large majority of the Gentlemen present had not even read the Bill, and very few had stopped to inquire what was the nature of that Court. It had been said, that the situation was irksome to the Lord Chief Baron, on account of the trifling duties he had to perform; but the question was, whether it was better to have 4,000*l.* a-year for doing something, or to have 2,000*l.* a-year for doing nothing at all. He trusted that the House would have some inquiry instituted before it proceeded to abolish an ancient Court, and that it would not rest on the statement which had been made at that hour of the night; and at the very conclusion of the Session pass a measure of such very great importance.

The *Attorney General* thought, that it was a very singular charge to make against his Majesty's Government, that this Bill had been hurried. It had been in the hands of hon. Members ever since the 15th of August, and the learned Lord Advocate of Scotland had always been able and willing to give every information which might be required of him. Hon. Gentlemen talked of inquiry: this subject had been inquired into, and had been put off for the very purpose of inquiry. Nobody had ventured to deny the facts which they had asserted; it certainly would be most extraordinary, if they had mis-stated the quantity of business in this Court, that some Gentlemen did not produce returns to shew their mistake. If the right hon. Baronet had stated to the House, last year, the facts which were now brought forward, it would have been quite impossible to have preserved this Court. Talk of the abolition of this Court being a job; really he never heard such abusive language. A job!—why, if the Lord Chief Baron of Scotland wanted a

4,000*l.* a-year for doing nothing? Imputations were cast forth in general terms, and they would always catch a ready cheer from some parts of the House; but when hon. Gentlemen talked of a job, he would beg them to recollect, that if the Lord Chief Baron had chosen, he might have gone on pocketing 4,000*l.* a-year for his life. The Reform Bill had been brought into this discussion; really, there was no subject that could be introduced to the House with which the Reform Bill was not mixed up, and on which the Representatives of schedule A were not ready to set up a hearty cheer against some one connected with the Reform Bill. So it was on this occasion—because the Chief Baron of Scotland was one of the Commissioners named in the Reform Bill, hon. Gentlemen believed that this Bill was brought in for the purpose of enabling him, the Lord Chief Baron, to travel about the country to execute the duties imposed upon him by that Bill. Could any one seriously pretend to say that this Bill was necessary, even if such a purpose was in contemplation, which it was almost unnecessary to deny? The Lord Chief Baron might, if he had chosen, have transacted the whole of his duties under the Reform Bill, and still have kept his office, and pocketed the whole of his salary. His late right hon. friend, Sir Samuel Shepherd, a most excellent and much-esteemed man, was not prevented, by his duties as Lord Chief Baron, from attending here; but, on the contrary, they had the pleasure of seeing him here in London ten months out of the year? The Lord Chief Baron Abercromby might have pursued just the same course with regard to his duties as a Commissioner under the Reform Bill. His right hon. friend was looking at a document he held in his hand; he might refer to that Report, but he would recollect that that Report stated that all the five Judges were necessary, of the correctness of which, by-the-bye, they had now some means of judging. A subsequent Commission of Inquiry thought that four would do, and, particularly, that English Barons were not necessary. That was the Report of the Committee appointed to inquire into jobs; but, instead of the “job” being put down, it was said, even at that time of day, “Why, really it is quite impossible to do with less than five; we must have five: to abolish them would lead the lieges of Scotland to think



that their interests were to be neglected, and that their institutions were to be cut down." The hon. member for Middlesex said that one Court was to be established, and one was to be abolished; "Well, then," said he, "let the Judge who presided in the Court which is to be abolished, preside in the new one which is to be established. The Judge who is appointed certainly must have no other duties to attend to, because the proposed Bankruptcy Court will be always sitting, and always employed." This might be a very good suggestion. It might be remembered that when he (the Attorney General) stated that a learned Judge in Westminster-hall, of great experience and ability, might be prevailed upon to preside in the new Court, he did not say that the fact was certain; he merely held out a hope that he might be induced to do so. He might be disappointed, and, in that case, he quite agreed with his hon. friend, that no better individual could be appointed as the head of that Court than the Lord Chief Baron, and he should be most happy to effect a saving of 2,000*l.* a-year. With regard to what was stated as to compounding penalties, it was quite certain that the people of England could not endure it if these penalties were to be enforced to anything like the extent of the power which was placed in the hands of the Crown. He trusted that they should see the revenue cases in England very much reduced in number. The right hon. Baronet condemned the Board being allowed a fixed salary instead of their being paid in proportion to the duties they discharged. In answer to that observation he would beg to say, that the Solicitor to the Customs was paid by a fixed salary. The Solicitor to the Excise was, until within a year or two, paid in that way, but it had latterly been found that the business of the Court of Exchequer had diminished to a very considerable extent. Indeed, they had heard a great deal of the judicial duties of the Court of Exchequer, but they were nowhere to be found. With regard to the antiquity of the Court, that certainly could be no argument in its favour, because they could not refer much further back than the Union. He was quite ready to admit that Judges in Scotland had a right to be placed on the same footing as English Judges, but let not a Court be continued for no purpose, when it was evident that, in the ordinary course, it could not

exist for any length of time. The arguments which had been used on the other side went absolutely in favour of proceeding with this Bill.

Mr. Pringle moved that the Debate be adjourned. There were many Scotch Members anxious to express their opinions upon this subject, and the discussion could not be conducted in a satisfactory manner at that hour of the night.

Debate adjourned.

WEST INDIA INTEREST.] Mr. Polett Thomson said, that in rising to move for the appointment of a Committee to inquire into the state of the West-India Colonies, it would not be necessary for him to trespass for more than a very few moments on the attention of the House, in stating very briefly the object of that Committee. Although that Committee would have for its object an inquiry into the cause of the present distress, his Majesty's Government could not propose it with the view presumed by the hon. and learned Gentleman opposite, because, if his Majesty's Ministers supposed they could give relief, it would not have been their duty to move for the appointment of this Committee at all, but to have been prepared to offer some specific remedy for the distress. The Ministers, however, had not been able, from the consideration they had given this subject, to suggest any plan by which that relief could be afforded. It would be in the recollection of the House, that at the end of the last Session of Parliament, a Committee was talked of in that House, but, at the request of the West-India body, was not appointed. Ministers felt it their duty to institute an inquiry, and the result of it was communicated to the West-India body, and to this House, but it was not such as to place it in their power to offer any specific measure to the consideration of the House. At that time, at meetings which took place with the West-India body, it was proposed to them on the part of the Government, that they should consent to the appointment of a Committee to take into consideration the general causes of the distress which existed; that proposal was rejected by them, and they distinctly admitted that they did not wish to have any such Committee appointed. At a subsequent period, however, a Committee was moved for by the hon. member for Kirkcudbright, with the view of inquiring into the statement of

facts made on the part of the West Indies. On a late occasion, however, it was proposed that a Committee should be appointed for the purpose of taking into consideration the commercial state of the West-India body; no opinion was offered on the part of the West-India body, but it certainly did appear to him to meet with a great deal of favour from several hon. Gentlemen who spoke on the subject, who appeared anxious that that course should be adopted, and it consequently became his duty to give notice of the intention of his Majesty's Government in this respect. It was proposed that this Committee should inquire—if the House would consent to its appointment—simply into the commercial state of the West Indies, keeping entirely distinct from that inquiry, the whole question relating to the political state of the West Indies, and the relation between master and slave. The cause of the distress which existed had been too much noticed, and too fully discussed, to require any further observations now. By making every possible inquiry, they had ascertained one of the causes of that distress, without, however, being able to suggest a remedy. Complaints were constantly made on the part of the West-India body, that no further steps were taken for their relief, and as Ministers could suggest none which would not involve general interests, which they were bound to respect and consider, they came before the House to ask for the appointment of a Committee. This step must necessarily satisfy all parties, inasmuch as it must either go far to prove that the view of Ministers was correct, and that no remedy could be found, or be the means of discovering some hitherto unknown mode of relief, at which no one would more sincerely rejoice than his Majesty's Ministers. He should confine the objects of the Committee, as formerly, to an inquiry into the commercial state of the West Indies, and being quite sure that on the part of those connected with the West-India interest no objection would be made, he hoped that Gentlemen unconnected with the colonies would not throw any difficulties in his way. He begged to move that a Select Committee be appointed to inquire into the commercial state of the West-India colonies, and to report their observations and opinion thereupon to the House.

Mr. Goulburn said, this discussion was one of great moment, and the consequences

to which it might lead were of great importance; and, though he felt most anxious in respect of the subject before the House, he was so fatigued, both in body and mind, as to be utterly unable to enter into the question. He could not, however, conceal his surprise at the circumstance of the right hon. Gentleman having thought it right, after repeated postponements, evening after evening, to bring forward, at that hour of the night, a question which, whatever might be its results to the interests of a large body of this country, must deeply and materially affect their comforts and feelings. In the first instance, they had been called upon to decide a measure with respect to the sugar-refiners. Great doubts were entertained by several parties interested as to the working of that measure, and he should have stated some doubts of that description, if he could have found an opportunity of presenting to the House a petition with which he had been intrusted by a most respectable body of merchants in the great and important town of Liverpool; other subjects, however, which had occupied the attention of the House had prevented him from doing so. But would this Committee be efficient to answer the purposes for which it was intended? It would not; because the delay that would be occasioned by such an inquiry would be so great, that it would be impossible to take any measure for some time after that Committee had been appointed. He would not say what motives had actuated the right hon. Gentleman opposite, in refusing the appointment of a Committee when it was applied for, and might have been effective. It was said, that his Majesty's Government were willing to grant an inquiry into the commercial state of the West-India colonies. Could any man believe, that at this period of the Session there could be time to effect an adjustment between two contending interests to make any useful inquiry into the general state of the commercial interests of the West-India colonies, or to adopt any measure for their relief? The right hon. Gentleman could not suppose it possible; he must know, that before that Committee could have before it the evidence on which it would be necessary to make up its mind, the period would arrive at which the House would have adjourned. The Committee would have met once or twice; and that would have been the only progress made in the inquiry into

West-Indian affairs. This Motion was either an absolute delusion, or Government must have some object in view in adopting this course of proceeding. The right hon. Gentleman said, that if he were prepared to suggest a mode of relief, he would not now ask for the appointment of a Committee. Very likely not; but he did not come down to that House to move for a Committee of this kind, unprepared with a general view of the course which the inquiry was to take, and what was, in his opinion, likely to be the result of it. On a motion like this, they had a right to hear some grounds of justification, and a general view of the case. Whatever might be the views of the right hon. Gentleman, this would be considered by all parties interested as a gross delusion, and as a mode of getting rid, for the moment, of the troublesome and embarrassing questions attending an investigation of the case of this suffering part of the community, who would now add to all those feelings of mental anxiety to which the commercial part of this country must be exposed, the greater disappointment to find, that instead of a fair and honest compliance upon points in which they were deeply interested, the House was about to proceed in this way, without inquiry, and upon party interests. He would oppose any motion that his Majesty's Government might think necessary for the relief of this portion of the community, brought forward at that hour of the morning.

Mr. *Keith Douglas* wished to state, that the opposition he made was grounded on this fact—that the subject had not been fully argued with regard to the causes of the distress under which the West-India interests laboured. No man who had looked into this subject with any degree of attention, could fail to be conscious of the difficulties under which those interests laboured. What he proposed to do was this—when that House resolved itself into a Committee—to move certain resolutions indicative of the state of distress which existed. He could not refrain from saying, that a subject of this importance ought not to be brought forward at a time like this, when every indication had been given of an approaching termination of the Session; and when, in point of fact, it would seem as if this inquiry were to be instituted by Government, without any serious intention of applying a remedy.

It was true there were great difficulties in this case, and there might be every disposition to meet them fairly and honestly. It was extremely difficult for the former Government to bring forward this question, and so it was for the present; not so much in respect of removing the distress as in removing those party feelings which interposed and mixed themselves up with the question. The late Government were disposed to accede to a proposition that was made to them to refer to the House of Lords the question of the whole state of society in the West Indies, in order that the public might be informed of the real situation of these colonies—information which might have the effect of doing away with a great deal of the existing feeling on the subject. The matter had been postponed by his Majesty's Government from time to time; but he would put it to the hon. Gentleman, whether, if he really wished to improve the condition of these interests, the Government had not better allow the question to come before the House of Lords, where unfair prejudices might, by investigation, be removed, and this House be placed in a situation to meet fairly the commercial difficulties that attended the question?

Lord *Althorp* said, the hon. Gentleman assumed, that because they were anxious to proceed with this subject to-night, therefore the Session was near a close. He hoped it was not. But even supposing the hon. Gentleman to be right, his experience of the business of Parliament must convince him of the advantage which would arise from the appointment of this Committee. Therefore, in proposing it, and pressing it upon the adoption of the House that night, they were not guilty of the delusion which the honourable Gentleman attributed to them. Every body must admit the distress of the West-India colonies. The hon. Gentleman said, that the reason why they had not proposed a remedy was, because they were actuated by party feeling. Such an accusation ought not to come from the other side of the House. When he proposed this Committee he did so with the most sincere views of doing good.

Mr. *Irving* said, that supposing this Committee to be appointed, its proceedings could not, by possibility, give rise to any benefit to the colonies this year. He agreed, however, with the noble Lord, that its inquiries might ultimately prove advantageous; and therefore, in opposition

to many hon. Members on that side of the House, with whom he had usually acted, he should give his vote for the appointment of this Committee.

Mr. *Burge* could not be a party to the final adjustment of this question at such an hour as the present. If the noble Lord was right in his supposition that the Session would yet continue for some time, where was the necessity of pressing for the appointment of this Committee at such an hour as three o'clock in the morning. He begged to move that the Debate be adjourned till the next day.

Mr. *Bernal* regretted extremely the light in which his hon. and learned friend viewed the proposition for the appointment of this Committee. He regretted also, that an incidental discussion of this kind, should have arisen upon the question, because it was calculated to convey any other than a favourable impression to the minds of the parties interested. He could not perceive the policy of resisting the present proposition of the Government, although he certainly agreed with those who thought that the best means of eliciting the causes of the West-India distress, would be by a Committee appointed by the House of Lords, because a Committee selected from that body would investigate the subject with greater calmness and temper than could possibly be expected from any body of Members selected from that House. However, as information upon the subject was necessary, and as a means of acquiring it was now offered, the West-India colonies would not entertain a very favourable opinion of the sincerity of that House to remedy the evils under which they were suffering, if that offer were rejected. He would not inquire whether the Committee was likely to sit for a month or for much longer; but he saw no earthly reason why the question of its appointment should be postponed. As for discussion, he himself could speak for five hours upon the question, and many others could do the same; but this was quite unnecessary. As to the assertion that the members of the Government had this night deliberately stood up in their places to submit a proposition for the purpose of deluding such great interests as those of the West Indies, he would refute it as unfounded, and as utterly unworthy of those who had advanced it. Knowing his noble friend, in pressing for the appointment of this Committee to be actuated by no other than an honest sin-

cerity of purpose, he trusted that the hon. and learned Gentleman would withdraw his Motion for the adjournment of the Debate.

Mr. *Hume* did not understand his hon. and learned friend to object to the Motion for the appointment of the Committee, but merely to its being brought forward at this hour of the night. He wished to know whether it was intended that this Committee should take into its consideration the propriety of sending out certain Orders in Council to the West-India colonies? What he complained of was, that the Government, by their interference, instead of doing those colonies any good, were, in point of fact, bringing about their ruin; therefore, he wished to know, whether certain Orders in Council, which his Majesty's Government had in contemplation to issue, would be delayed until the appointment of this Committee? As to the noble Lord's sincerity, he did not doubt it for a moment; he believed him to be as anxious as any man living to relieve the distresses of the colonies.

Mr. *Courtenay* supported the motion of the hon. and learned member for *Eye*, for the adjournment of this Debate; at the same time, he perfectly agreed with the hon. member for *Bramber* in the propriety of appointing the Committee which the right hon. Gentleman had moved for, even if this Session should very soon terminate. His reason for supporting the Motion of his hon. and learned friend behind him, was, that in all his experience he never knew a Committee of that House, appointed without previous debate, which did not fail of attaining the object for which it was appointed. This was the result of the experience of many years; therefore, without the slightest hostility to the noble Lord, or to the Motion which the right hon. Gentleman had submitted, he concurred in the propriety of postponing the further consideration of the subject till next day.

Mr. *Burge* vindicated himself from a charge which he thought extremely unjust—namely, that, in proposing the adjournment of the Debate upon this question, he was not acting with fairness towards the Government. He never accused the noble Lord of delusion; but understanding that it was his intention to bring forward this Motion to-night, he had intimated to him the inconvenience of doing so, in consequence of the absence of many who were anxious to make some observations upon

it. He did not object to the appointment of the Committee, but to the Motion being pressed forward at that late hour.

Lord *Althorp* said, that when he thought of the appointment of this Committee, it undoubtedly did not occur to him, as a desirable course, that they should previously have a long debate on the affairs of the West Indies. All that could be advanced in such a debate would be much better reserved for the consideration of the Committee, by whom it would be treated with greater calmness and temper. It was upon that ground that he postponed the Motion for the appointment of the Committee till that evening; it was upon that ground that he persevered in the Motion now. In answer to the question which was put by the hon. member for Middlesex, he would state, that it certainly was not his intention to enter into the question between master and slave in this Committee. That was a separate question, and demanded a separate consideration. Therefore, as the Order in Council to which the hon. Gentleman had alluded, applied principally to that question, it ought not to come under the consideration of this Committee.

Sir *Charles Forbes*, as a friend to the West-India interests, could only say, that he should be glad to see this Committee appointed. It would be a pity that any means of inquiry, particularly when offered by the Government, should be resisted.

Mr. *Ewart* expressed his full concurrence in the propriety of the Motion for the appointment of this Committee. It was highly desirable that an inquiry should take place.

Mr. *Irving* asked the noble Lord, whether it was the intention of his Majesty's Government to send out to the West Indies the Order in Council which had been lately prepared, either now or in the course of some short time? He asked, because he was convinced that, whenever it might be sent, the colonies would not submit to it.

Lord *Howick* thought this no convenient time to discuss an Order in Council which had not yet been prepared. It was the intention of Government, with the shortest possible delay, to pass that Order in Council, with such alterations and improvements as might seem necessary, and then to recommend it to the adoption of the colonies.

Mr. *Hume* said, if the Government were anxious to excite a civil war between the

colonies and the mother country, they could not do better than adopt this Order in Council. He had not seen one individual connected with the West Indies who did not protest against such an Order being sent out. With respect to the question more immediately before the House, in his opinion it was most improper to press so important a matter forward after three o'clock in the morning. He joined with those, therefore, who wished to postpone the further debate upon the question.

Mr. *Burge* said, if he had abstained from entering into the question of the Order in Council, it was not because he was insensible to its importance, and to its impropriety, but because he thought that the present was not the most convenient opportunity for discussing it. His only object in rising now was, to withdraw his Motion for the adjournment of the Debate upon the question of the appointment of the Committee proposed by the noble Lord. His sole object in doing so was to prevent the possibility of its being supposed that he would stand in the way of any inquiry being made into the state of the West Indies.

Amendment withdrawn.—Main Question agreed to, and Select Committee appointed.

## HOUSE OF LORDS,

Friday, October 7, 1831.

MINUTES.] Bill. Read a second time Cotton Factories. Petitions presented. In favour of Reform. By the Earl of CAMPERDOWN, from the Inhabitants of Wexm, Belquider, Kenmere, Kisen, Fortingal, and Diell:—By the Earl of RADNOR, from Hungerford and Maldenhead:—By the Earl of CARLISLE, from Maulton:—By Viscount CLIFDEN, from Greig Ullard and Powerstown:—By a NOBLE LORD, from Beeralston and Berfarris:—By the Bishop of CHICHESTER, from Huntingdon:—By the Earl of GOSFORD, from Beccles, signed by 500 persons:—By the LORD CHANCELLOR, from the Law Courts of Glasgow, Bolingbroke, and several other places. Against Reform. By the Duke of WELLINGTON, from Fordwich, in favour of the Extension of the Galway Franchise to Catholics:—By the Earl of RADNOR, from the Protestant Inhabitants of Cara Broun:—By the Marquis of Downshire, from the Catholic Inhabitants of Nunns Island:—By the Earl of ELDON, from the Protestant Freemen of Galway; the Protestant Freemen of the Corporation of Galway, and the Protestant Merchants of Galway, then Petitions. By the same NOBLE EARL, from the Clergy of Northampton and adjoining Parishes, against the Consumption of Beer on the premises of Licensed Beer Houses:—By the Earl of RADNOR, from the Owners and Occupiers of Land in the Hundred of Willow, for an alteration of the Tithe System; from the Inhabitants of Raham (Ireland), praying for the disarming of the Yeomanry; and from the Cordwainers of Bristol, for the Repeal of Taxes in the Diffusion of Knowledge.

EDUCATION (IRELAND).] The Mar-

quis of *Downshire* presented a Petition from the town of Coleraine and its vicinity, in favour of the Kildare-street Society. He had long acted as President of that Society, and had taken an active part in the extension of education in Ireland upon its principles, and he had always found the Society animated by a strong desire to effect the object proposed by the Society, and an anxious wish to do justice to the public. He, therefore, regretted to understand that arrangements were about to be made to take away the grant from that Society. As to the distribution of the public money with which it had been intrusted, he had always desired it to be applied universally, as commanded by the words "for the Education of the Poor of Ireland."

Lord *Carbery* was ready to prove that the Kildare-street Society had been of great benefit to Ireland, by contributing to the extension of education in that country. The poor of Ireland had been in the lowest state of degradation when the Society commenced its labours. He could declare, from personal knowledge, that the model and training schools for masters were highly efficient, and that the books in use were those recommended by Dr. Doyle himself. He, therefore, hoped Parliament would continue to give it every encouragement.

Petition laid on the Table.

REFORM—PETITIONS.] The Marquis of *Westminster*, on presenting a Petition in favour of the Reform Bill, from *Dukinfield*, in *Cheshire*, said, he was anxious to repeat his emphatic conviction, that Parliamentary Reform, in the spirit and to the extent of the measure of Ministers, was essential to the very safety and welfare of the country. This had been his conviction in early life, and experience but served to add to its strength and intensity. It was also the conviction of the wisest and honestest Statesmen that it had been his fortune to come in contact with. He was confident that were Mr. Canning and Mr. Huskisson now living, they would be the advocates of Reform, for they had ever acted upon the principle that no Government could be carried on with general advantage which was opposed to the unanimous feelings of the people. Mr. Pitt, at all events, was an authority which ought to prevail with many of his so-called followers who were opposed to the Bill, for, from the dawn of his political career to the last moment of his existence, he was the

champion of Reform in Parliament. It was his conviction, often expressed and often repeated, that no honest man could be Minister under the present system of misrepresentation; and he had been frequently heard to declare, in his most emphatic manner, that neither the Minister, nor even the King on his Throne, could act independently against the boroughmongering oligarchy which pressed upon the energies of the country. It had been said that Mr. Pitt had abandoned his early opinions on this subject. This was an error; for when he (the Marquis of *Westminster*) was somewhat connected with the Government of Mr. Pitt, and expressed to him his anxiety to bring forward a measure of Parliamentary Reform, Mr. Pitt told him he was as ardent as ever for such a measure, was as convinced as ever of the necessity of it to the welfare, aye, to the salvation of the country, but that it would be hopeless to then contend with the borough oligarchy, which had such an interest in resisting it.

Petition laid on the Table.

Lord *Wharncliffe* presented a petition from the Gentry, Clergy, and Inhabitants of the town of *Beverley*, expressing their opinion that no necessity did, and no necessity could, justify such an important alteration in the Constitution of the country as was about to be introduced by the present Reform Bill; that they were extremely desirous to see some wholesome alterations effected in the representative system of this country, which would be a real amendment of the abuses in it, and which would tend to the safety, honour, and glory of the British dominions. The petitioners concluded by praying their Lordships calmly and deliberately to weigh and consider the present Bill, and not to suffer their determination with regard to it to be swayed by the fear of popular resentment. The noble Lord said, that he was enabled, from his own local knowledge of *Beverley*, to state, that this petition was signed by a majority of the magistrates, by the members of the learned professions, by the clergy, and by almost all the respectable inhabitants in that place.

The Marquis of *Cleveland* said, the noble Lord opposite had stated that the feeling in favour of this Bill had diminished greatly in the city of *Westminster*, and he particularly mentioned *Bond-street* and *St. James's-street* as districts where the inhabitants were not now, generally speak-

ing, friendly to this Bill. Having presented a petition from the inhabitants of the parish of St. Mary-in-the-Strand, in favour of the Bill, he (the Marquis of Cleveland), on hearing this statement from the noble Baron, began to fear that he either had been imposed upon, or that he had mistaken the prayer of the petitioners. He accordingly made it a point to communicate yesterday with the persons who had intrusted that petition to his care, and he found that he had by no means misunderstood the object of their petition; and he was further informed by them, that nine out of ten of the inhabitants in that and the adjoining parishes were most anxious for the passing of the Reform Bill. He had that morning, too, received a letter on the subject from as opulent and loyal an individual as was to be found in the city of Westminster, and he supposed, that as newspapers and pamphlets were frequently referred to in the course of these debates, he should not be out of order in referring to the contents of this letter. The writer stated, that the parish with which he was connected, that of St. Mary-in-the-Strand, as well as the adjoining parishes of St. Paul, Covent-garden, St. Clement Danes, and St. Martin-in-the-Fields, had all met on Friday last, and agreed to petition that House in favour of the Reform Bill, and that there appeared only one dissentient in those four parishes to the adoption of such petitions. As far as his intercourse with the inhabitants of Bond-street and St. James's-street led him to a knowledge of their opinions, he was enabled to contradict the assertion of the noble Baron that they were indifferent, or opposed to this Bill, and to state that their anxiety was greater than ever for its success.

Lord *Feversham* wished to state a circumstance which had been mentioned to him within the last two hours by a most respectable inhabitant of Bond-street, in reference to the getting up of a petition which had been presented by a noble Baron (Lord Holland), whom he did not now see in his place, from that street, in favour of the Reform Bill. It was stated to him by that individual, that a person of consideration went about Bond-street the day after the delivery of the speech of his noble friend (Lord Wharncliffe), and canvassed in the various shops there for signatures to a Reform petition, and that many of the inhabitants signed it, thinking that it was

in favour of Reform generally, instead of this Bill in particular. That was the petition which had been thrust with such breathless haste into the carriage of the noble Lord (Lord Holland) on his way to that House.

The Duke of *Richmond* thought, that conversations of this kind were extremely irregular. He was of opinion that Colonel Webster, who was the person alluded to, had a perfect right to go about and see what was the feeling of the inhabitants of that district, and that no attack should be made upon him for doing so. For his own part, he was sure that the feeling of the great majority of the inhabitants of the city of Westminster was in favour of this Bill; and he was equally certain, that if their Lordships should, on the present occasion, reject this measure (a thing which he would never believe until he saw it done), they would, in a very short time, give their assent to a Bill of a precisely similar description.

Lord *Wharncliffe* imagined that their Lordships had heard enough of Bond-street. He had certainly unfortunately mentioned that street, but it was as a general observation; however, as a gentleman had taken the trouble to get a petition from the inhabitants of that street, he thought that would have the effect of removing any impression which his accidental observation might be supposed to convey. He still maintained the opinion, notwithstanding all he had heard stated, that the feeling in London, though it might be in favour of Reform, was not, in general, in favour of this Bill.

Petition to lie on the Table.

PARLIAMENTARY REFORM—BILL FOR ENGLAND — SECOND READING — ADJOURNED DEBATE—FIFTH DAY.] The Order of the Day read for the resumption of the Debate on the Reform of Parliament (England) Bill.

Lord *Wynford* proceeded to address the House. The noble Lord commenced by observing that he was fully sensible of the difficulties of the situation in which he then stood. He was duly impressed with a proper estimate of the ability, the practised ability, in debating, of the noble and learned Lord who had concluded the discussion last night, and whose speech he now purposed to answer, and it was impossible for him not to desire to shrink from the comparison which would be

raised between his poor and feeble efforts and the splendid display of that noble and learned individual to whose arguments he was now about to address himself. Conscious as he was of his inability to grapple with that noble and learned Lord, but feeling that in the present great and dreadful crisis, it was the duty and the business of every man in the empire to endeavour to employ what little talents he might possess against this measure, he was determined, as an independent member of the British Legislature, to raise his voice against this Bill, and he was confident that the goodness of his cause would make up for any deficiency on his part in his attempt to answer the arguments which had been adduced by the noble and learned Lord. That noble and learned Lord commenced his speech by saying that it was his intention to grapple with the principle of the Bill, and he was delighted to hear an announcement at length made from that side of the House, that they were to have some discussion about the principle of the Bill, convinced as he was, that he should be standing upon vantage ground, in dealing with any arguments that might be brought forward with regard to the principle of the measure. Unfortunately, however, though the noble and learned Lord set out with that announcement, he soon followed the example of his colleagues who had preceded him—he soon deserted the principle of the measure, and, leaving that to be still explained to the House, he proceeded to attack the existing system, without stating a word in defence of the principle of that which it was proposed to substitute in its stead. Not one noble Lord, indeed, including the noble Earl who opened the Debate, had yet undertaken to say what was the principle of the Bill. They had contented themselves with attacking the system that now existed, and they refrained from even attempting the defence of that which they purposed to substitute in its place. One noble Lord had ventured on a variety of topics, including a voyage by water and a journey by land. He was not disposed to go on either of these excursions; but as long as he had a leg to stand on he would take his place on Constitution-hill, in defence of the prerogatives of the Crown, the privileges and independence of both Houses of Parliament, and the just rights and liberties of the people. That was his political

creed—those were his political principles; and he was sure that, whatever might be the opinion which prevailed out of doors generally with regard to this Bill, he should be soon joined by the better portion of the public in the sentiments which he now felt it his duty to express upon the subject. He was quite confident that the feeling which had been artificially excited and kept up in favour of this Bill was fast dying away—that the delusion which had been practised on the people was in rapid progress towards a termination—and that the period was quickly approaching when the sober-minded and influential portion of the British community would regard this Bill in the light which he now viewed it—namely, not as a measure of Reform, but as a measure of revolution—as a measure that necessarily led to a revolution of a most desperate character, completely destructive of the Constitution of England, and of all those principles of that glorious Constitution which guaranteed the security of property, and the maintenance of order, regularity, and peace. Impressed with that feeling, he should notwithstanding the difficulties that he had to contend with, endeavour to lay before their Lordships a true picture of the evils that might be fairly anticipated from the present Bill. In the performance of that task he had to struggle with the bad state of his health, and with the infirmities of age, and it was possible that the infirmities of the flesh might more than overcome the energies of the spirit. Trusting, however, to their Lordships' kind indulgence, he should proceed with the observations which he felt it his duty to address to them. He would endeavour, in the first instance, to reply to the arguments that had been employed by his noble and learned friend (Lord Plunkett). When he had done that, he would then proceed to notice some of the assertions—he would not call them the arguments—which had been advanced in the course of this discussion, by some of the noble Lords opposite, with regard to the character of the Bill; and when he had gone through that task, he would then apply himself to “the Bill, the whole Bill, and nothing but the Bill.” He trusted that he should be able to prove, to the satisfaction of their Lordships and of the public, that this Bill was pregnant with destruction to the best interests of the country at large.

Lord Teynham, here interrupting the



noble Lord suggested, that his Lordship, on account of his infirmities, should take the advantage of being seated while addressing the House.

Lord *Wynford* felt exceedingly obliged to his noble friend for the kind suggestion. Entertaining, however, as he did, the greatest respect for that House, he would endeavour, as long as he was able, to address their Lordships in the most respectful manner, and whenever he found his physical weakness increasing too much for his present exertion, he would take care to take advantage of that indulgence which he was aware their Lordships would extend to him. He would now proceed, step by step, to answer the arguments that had been advanced by the noble and learned Lord (*Plunkett*) on this subject. That noble Lord had commenced by stating, that the opponents of the Bill had left the principle of it altogether untouched. He was certain that if the noble and learned Lord found the principle of the Bill untouched, he left it so, for he had not said a word himself about it. The noble Lord had said, that it was admitted by all that some Reform was necessary. It was quite true that the question of Reform was a question of degree, and they on that side of the House who opposed this Bill did not, by doing so, mean to say that they were opposed to all and every species of Reform. If they entertained such an opinion, and if they were determined to resist every effort even for a safe Reform, they would have said so to his Majesty in the Address which they presented to the King at the commencement of the Session, in answer to the Speech from the Throne, instead of pledging themselves, as they did on that occasion, to take this subject of Reform into their most serious consideration. They had applied themselves to the consideration of that subject, and if the measure which was proposed by his Majesty's Ministers was not inconsistent with the safety and security of the institutions of the country—of those institutions which he was determined to uphold as long as he had a leg to stand on—if such a measure as that had been brought forward by Ministers, he would venture to say, that it would not have been opposed on that side of the House. But they were not pledged to any specific Reform, much less were they pledged to the dangerous and destructive and revolutionary Reform which was proposed by

this Bill. The noble and learned Lord had said, that a noble Earl (*Harrowby*), who had addressed their Lordships on a former evening with so much ability against this Bill, had admitted that he was not opposed to a measure which would disfranchise some boroughs, enfranchise some of the large towns, and enlarge the number of county Members. He (Lord *Wynford*) did not recollect that his noble friend above him had said any such thing; but, even if he had said so, such an admission would not prove that he was at all friendly to this Bill. His noble and learned friend had gone on to argue, that his Majesty would not, in future, be able to carry on the government of this country except on the ground of Reform.

Lord *Plunkett* begged to correct the mistake into which his noble friend had fallen with regard to what he (Lord *Plunkett*) had said. The argument in question, that the government of the country could not be carried on if Reform was adopted, was one that had been used by the noble Duke (*Wellington*) on the other side, and one to which he (Lord *Plunkett*) had applied himself in the course of the observations which he addressed to their Lordships last night.

Lord *Wynford* was glad to stand corrected, as he need scarcely say that he should be most unwilling to misrepresent his noble friend, and the mistake into which he had fallen had arisen from the difficulty of hearing the observations of his noble friend on the occasion in question. Considering the high reputation which his noble and learned friend had so deservedly acquired in that and the other House of Parliament, and this being almost the first time that he (Lord *Wynford*) had addressed their Lordships upon any great constitutional question, he should have been afraid to enter the lists with his noble and learned friend, were it not that he confided for success in the justice of his cause. The noble and learned Lord said, that his Majesty had dissolved the late Parliament in order to ascertain the sense of his people with regard to this question. Now, he (Lord *Wynford*) must say, that to him it appeared that that was the most unfortunate dissolution of Parliament that could ever have been made for the purpose of obtaining the sense of the people with regard to such a question as the present. If they wanted to obtain the sense of the

people in the way that it should be obtained, they ought to have waited for a moment of calm, when the subject could be quietly and soberly discussed, and they should not have proceeded to a dissolution of Parliament in a period of great excitement and agitation, when, as every one knew, it was absolutely impossible to ascertain the deliberate sense and opinion of the people. Their Lordships could not forget the state in which the country was at the time of the late dissolution of Parliament, and he would assert, that there never could have been a more improper opportunity selected for a dissolution of Parliament than that was. And now that he was upon the subject of that dissolution, he could not avoid adverting to the opinions which had been expressed by two of his Majesty's present Ministers, in reference to a dissolution of a former Parliament, which took place under circumstances, with regard to the state of the public mind, that, according to those noble Lords, rendered it impossible to obtain such a fair and impartial expression of the public opinion as ought to influence the decision of the Legislature. He would just read to their Lordships an extract from a speech delivered by the noble Earl opposite on the occasion to which he alluded—namely, the dissolution of Parliament which took place in April, 1807. After the new Parliament met, Lord Howick, after making some observations on the importance of the subject before the House, went on to say—‘Why, then, did they take this step? In order that an appeal should be made to the people, as it was stated in his Majesty's Speech, while recent events were fresh in their recollection—in other words, during the prevalence of that base cry, which it was hoped would have an influence on the elections.’\* Such was then the language of the noble Earl opposite—language which was precisely applicable to the circumstances under which the late dissolution of Parliament had occurred. The late Parliament had been dissolved “during the prevalence of a base cry” for Parliamentary Reform. That Parliament, he would repeat, was dissolved during the prevalence of such a base cry, and at a period when the people had been deluded into the notion, that this measure would do that which every man in his sober

senses knew it would never effect—namely, afford them relief from the distresses and privations under which they were suffering. On the occasion to which he was now alluding, a noble Lord, whom he did not now see in his place, and who was one of those Ministers that had advised the King to dissolve the late Parliament—he meant Lord Holland—also expressed himself against the dissolution of the Parliament of that day. Lord Holland then used the following expressions:—‘The noble Lord states, that at the time of that dissolution there was no irritation of the public mind, no material difference of opinion. Why, then, was not that the moment for an appeal to the people? The noble Lord then states, that at the time of the last dissolution there was great irritability and collision of opinion. Is it not then clear that that was a most improper period for a dissolution of Parliament, when, instead of a cool and dispassionate appeal to the people, it could only be an appeal to their inflamed prejudices and passions?’\* Such were the words of the noble Lord, words most truly applicable to the state of things at the period of the last dissolution of Parliament. The noble and learned Lord (Plunkett) spoke of the elections which were consequent on that dissolution as having been conducted peaceably and quietly, but he subsequently confined his statement with regard to the elections in Ireland. He did not know much of Ireland, but he would ask, whether the election in Dublin was an instance of that peace and quietness, and good order, that the noble and learned Lord spoke of—an election at which the influence of persons in official authority had been employed in a way that it had never been before, and which had been remarkable for the rioting and tumults that had taken place at it. Were the elections in England distinguished for peace and good order? Had not rioting taken place at the Dorset election—at the Carmarthen election—and at several other elections throughout this country? Did not the greatest excitement prevail throughout the country in consequence of the paragraphs which had been published in the public Press on the subject? He, therefore, denied that his noble and learned friend's observations with regard to the elections were justly applicable to the

\* Hansard's Parl. Debates, vol. ix, p. 620.  
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\* Ibid. p. 584.

elections which had taken place in this country. But the noble and learned Lord said, that the immense number of petitions which had been presented on this subject, proved that the feeling of the country was in favour of this measure. Several of those petitions had been got up in the grossest manner, with several names affixed to them by the same person, and by no means afforded a fair indication of the opinions of the people. Besides, let their Lordships look to the counter petitions that had been presented on the other side. A petition had been presented by the noble and learned Lord on the Woolsack, from the city of London, in favour of the Bill, but it should be recollected that a counter-petition, signed by many of the most respectable persons in the city of London, had been presented against the Bill. They had seen a petition presented from Bond-street in favour of the Bill, but they had heard that night how that petition had been got up, and how several persons had signed it in mistake. That petition, besides, was signed by only 109 persons, while there were 201 individuals resident in Bond-street. It might be said, that some of those householders were females; but he did not see why women had not a right to express their opinions on this question, and he was sure that, in many instances, they were much better qualified to express an opinion on it than the men. He repeated, that some of the inhabitants had signed the petition by mistake, supposing that its object was Reform generally, and not believing that it was in favour of this particular Bill. There were few on his side of the House prepared to deny the necessity or fitness of a constitutional Reform; but they would rather that their hands were cut off, than employ them in signing a petition in favour of the Ministerial Bill. His noble and learned friend had said, that their Lordships were "sitting in judgment on the people of England." Those, he believed, were the words he used. Now, though his noble friend generally expressed himself with the greatest clearness, he could not rightly understand what his noble friend meant to convey by this assertion. They were certainly sitting in judgment on the rights of the people of England; and when any petition came to be presented, requesting concessions strictly consistent with those rights, he was quite satisfied that such a petition would meet with the greatest attention from the

House. But there were reasonable grounds for expecting that the people would not seek to acquire any right at variance with the spirit of the Constitution. His noble friend, however, went on to say, "Are not the people of England to be trusted?" God forbid that he (Lord Wynford) should characterize them—taking them as a body—in any other way, than by declaring that there was not a more respectable people on the face of the earth; but while he made this ready avowal of opinion, he would maintain, point by point, that they ought only to be invested with additional rights in proportion to their capacity of comprehending them. He would not intrust them, nor any other set of men, with rights which they were not capable of exercising. That which they were capable of exercising properly—that their Lordships were prepared to extend to them. If his noble friend meant to say, that all the people of England were to be intrusted with those rights that were included in the present Bill, he for one would enter his protest, and declare, in the name of the Constitution, that the people were not to be so trusted. No doubt it would be well to give the right of electing Representatives to the upper and middle classes of society—persons too independent to be accessible to corruption. He had no objection that the privilege should be extended as far as was consistent with safety; but if his noble and learned friend meant to carry it further, then the point to which his noble friend was advancing was, Universal Suffrage, to which he never could agree. He would refuse the right of selecting Representatives to that part of the people who were not capable of exercising it properly; but he was disposed to admit to it all the better and qualified classes, although not in the manner laid down in the Bill. He considered all who were independent entitled to possess the elective right. He was not, therefore, an enemy to proper Reform, but he would not give that right to persons such as were deemed qualified by the provisions of the Bill. He would confer the right on all who were gifted with knowledge to perceive its value, and possessed of property to pronounce their opinions with independence. He was convinced that he could show that these were considerations not contemplated by the Bill, but that it went to level all distinctions between property and no property—between ignorance and knowledge.

If the argument, he would again say—if the argument of his noble friend, as to the extensive confidence to be reposed in the great mass of the community, meant any thing, it was an argument for Universal Suffrage. Sorry he was, that any person for whom he entertained the high sentiments of respect that he did for his noble friend could advance any such opinions; there was, however, no room for him to doubt the fact, for he had taken down the words at the time, and was certain of the accuracy of his quotation. His noble friend had spoken of the possibility of a collision between the two Houses of Parliament [no, no]. If he had not done so, he would spare their Lordships the observations he was about to make, but he believed his noble friend had expressed his apprehension of the danger of a collision between the two Houses of Parliament.

Lord *Plunkett*: I did speak of the chance of collision, but I did not speak of Universal Suffrage.

Lord *Wynford* did not mean to say, that his noble friend had, in express words, pleaded for Universal Suffrage, but the mode in which he stated his case had that tendency.

Lord *Plunkett*: I beg to set my noble friend right. I not only did not use the words "Universal Suffrage," but have all along declared myself openly against such an absurd and mischievous idea.

The Duke of *Cumberland* having moved that the noble and learned Lord, in consideration of his infirmities, might be allowed to sit down, the Motion was acceded to, and Lord *Wynford* took his seat on the Opposition benches.

Lord *Wynford* was far from wishing to put arguments in his noble friend's mouth, merely for the purpose of confuting them. He could not hope to derive much credit from such a course of proceeding, but he felt persuaded that he should be able to answer the actual arguments which had been advanced. He would now come to another observation of his noble friend's. He had stated, that he "did not see any other way of procuring safety to the country" but through the medium of this Bill. But he hoped that another way might be found without resorting to that expedient. He trusted much to the good sense of the people of this country; he was as old as his noble friend, and had seen enough of the people to know that

the good sense which they possessed at bottom, would eventually dispel any delusion by which they might be misled for a time. When the agitation caused by wicked people had subsided, their own good sense would regain the ascendancy, and they would return to their accustomed habits of peace and industry. He was sorry to be obliged to advert to the next point touched upon by his noble friend; he regretted it for particular reasons, but as the subject had been introduced, he felt it to be absolutely necessary for him to notice it. His noble friend had spoken of the contingency of creating new Peers for the purpose of carrying the measure under consideration. He was a new Peer himself, though he had not been made for this occasion, and he did not deny the just prerogative of the Crown to reward any person of this country with the honours of the Peerage; but he questioned whether, among recent creations, Peers had been made upon the proper principle of rewarding merit, or of carrying the question of Reform through that House of Parliament. If they had been made for the latter purpose, he would say, that they who advised the King to make them for that purpose had committed a great violation of the Constitution. He recollected his Majesty's Speech last Session, and he recollected that it appealed to the existing House of Peers, and not to a prospective body. He fully admitted the just privilege of the Crown in bestowing honours; but it was the duty of its advisers, to counsel against the use of the royal sign-manual for other purposes than was consistent with the dignity of the realm. He had not the honour of knowing more than two of the noble Lords recently called to that House. He had no doubt, and he was bound to suppose, that they were all entitled to the honour; but he was disposed to think, that they were not brought there on account of any particular claims they possessed to that most honourable—to that highest of all distinctions conferred on the subjects of any country—namely, the elevation to the Peerage of the realm. He only, as he had observed, knew two of those noble Lords; to one of them peculiar circumstances gave a claim to the distinction. The eminent services of the other long ago entitled him to a seat there. He had often lamented that he had not been sooner elevated to the Peerage; and he was as happy to meet him in that House

as he had been in other places. While he wished to meet his noble friend among them, he wished to see merit obtain its reward; but he protested against the creation of a great number of Peers with a view to carry any particular purpose. His noble and learned friend had referred to the Peers made in the reign of Queen Anne; and he confessed he did not clearly understand what was intended by the reference. He did not know whether his noble friend meant to countenance the doctrine advanced in another place, but he considered him to be endowed with too much legal learning and too much knowledge of the Constitution, to broach the doctrine that the Sovereign might at pleasure discontinue the issuing of writs, calling on places possessing electoral privileges to return Representatives to Parliament. He could not believe that his noble friend would sanction such an opinion, although it had been brought forward on high authority in another House. His noble friend had mentioned the buying and selling of seats, a point which he could not pass over without some remark. He was himself a decided enemy to that practice, and if his noble friend brought a Bill into Parliament effectually to prevent it, such a Bill should have his assistance, if that assistance were held to be of any value; because he was of opinion that the circumstance of trafficking in seats in the Legislature was a stain on the Constitution of the country. The Irish Parliament had been introduced into the speech of his noble friend. He was not acquainted with the Irish Parliament; he did not know to what extent corruption had prevailed in it, but if it were in the state in which it had been represented, he was obliged to the English Parliament for putting an end to its corruption, and it deserved the fate it had experienced. He would not leave a single observation of his noble friend unanswered, and he would address himself to the concluding part of his speech, and the probable advantages that the country would derive from the adoption of the measure of Reform. For his part, he was for letting well enough alone. He was not for exchanging real good for contingent advantages. Justice was equitably administered in this country; the Army and the Navy were well appointed, elevated as they had been by the unparalleled success of the noble Duke near him, to a higher station than they had ever occupied at any

previous period. They should take care not to make any dangerous alterations in the frame of the Constitution, by which England might be deprived of the inestimable advantages of her present position. His noble friend said, however, that notwithstanding all this, the people wanted Reform. There were a number of persons in this country who made a trade of popular excitement, and the people would continue to be excited until that trade was put an end to. These persons only advocated the proposed alterations in the Constitution as the specious cover of other schemes. He was warranted in saying this, and he was afraid that the business of change would soon work out of the hands of his noble friend and his colleagues. The storm would be raised, and they would not be long able to control it. If their Lordships had read any of the publications by the seditious part of the Press, they would understand the force of his remark—they would feel that the real radical Reformers only considered the present Bill as a stepping-stone to the total overthrow of the Constitution. Others might have a greater pecuniary interest in the State than he; but he would yield to none in zeal for its welfare. His statement as to the ulterior objects of many of the advocates of Reform were borne out by a paper he had lately seen, called "Address to the Inhabitants of the Town of Leeds," the writer of which, going upon the supposition that the people of Leeds had the power of returning Members to Parliament according to the Bill, declared the principles by which he intended to be regulated, if elected to a seat in the Legislature. He wished that he had the paper there, for such was his memory, that he had never quoted any thing in his life without making some mistake: however, he was certain that he was quite correct in the essential points of what he was about to state. He would, ere repeating the main facts of the address, take occasion to express the high respect he entertained for the right reverend bench opposite, whose interests were connected with the views of the writer of the paper to which he alluded. That projector told his constituents at Leeds, looking to their electing him as their Representative, that he would at once vote for getting rid of tithes—that was, he would do away with the property of the Church; that he would vote also for paying half the dividends of the National Debt for two years, and then

sweep the whole of it away. Now these were no slight changes. The Church would be first attacked, because it was known to be the weakest branch of the realm—not the weakest in knowledge and virtue, for God knew that in these it was, indeed, most strong—but the weakest in defensive power. He would warn their Lordships against persons who demanded certain alterations only as the prelude to more. The Reformers, among whom his noble friend was included—to use a familiar illustration—only meant to go to Hounslow, but the other class of Reformers intended to go as far as Windsor. Fraught as the desigus of the latter class were with mischief to property, it was their Lordships' duty to look at the case, not as it displayed itself at that moment, but as it might be exhibited on a future day, through the consequences of their acquiescence in the Bill, when persons were introduced into the other House of Parliament who already put forward what they now advanced in such an audacious way. He believed that no body of men would stand with greater firmness against these attacks than would their Lordships; but if the whirlwind were once raised, it would not be in their power to arrest its desolating career—neither station nor talent could withstand it. He was afraid he detained their Lordships too long—he wished to give the best answer to the speech of his noble friend the weakness of his frame permitted; and he hoped he had answered it point by point, taking up the arguments in a plain and straightforward manner, as he had ever done. A noble friend behind informed him, and he was obliged to him for the information, that one of the arguments of his noble friend had escaped him. In the course of his speech he had expressed some doubt as to the right of the interference of that House with the Bill. He confessed that he had heard the intimation of this doubt with very great surprise. He could not but recollect, when the bill to prevent bribery and corruption was forwarded from the other House, that their Lordships had introduced two most efficient clauses in it, and when these amendments had been objected to in the Commons, it said, “do not grudge the Lords the honour of assisting in stopping this practice; they are as much interested in the purity of the Representation as we are.” If they had no right to interfere, they were then merely to register the Bill,

and lay it at the feet of their gracious Sovereign. But had not the Commons dealt according to their discretion with bills originating in that House, and bills, too, that concerned its privileges? Had they not opposed, and successfully, a measure so originating for restricting the number of Peers? He would now pass to an observation made by the noble Earl at the head of the Government, in his very able speech in moving the second reading of the Bill. The noble Earl had stated that the principle of the measure was to restore the ancient Constitution as to the Representatives of the people. He had heard him make this statement once before, and he then ventured to submit, with great respect to the noble Earl, that in advancing it he was mistaken. According to the noble Earl, property and population were to be the basis of the new Representative system. Such was not, however, the primitive constitution of this country. He begged to deny, that when the Commons' House of Parliament was formerly brought together, its Members were called from places on account of their wealth, or their respectability, or their commerce. So far from that being the case, it appeared from Maddox's work, and Brady's book on boroughs, that they were sent, not from places that happened to be the seats of commerce, but where the King could depend upon the fidelity of the inhabitants to the Crown. Population or property had nothing to do with the matter—it was entirely an arrangement of the Crown and of those great men who held property under it. Conscious that the case stood thus, he was satisfied, therefore, that the measure of Reform supported by his Majesty's Ministers, was nothing like a restoration of the Representation according to the ancient Constitution of this country. If he were right in this, then he contended, that by creating an immense body of householding electors, they were not restoring the old Constitution, but that they were erecting an entirely new one. He thought that he had frequently heard from the noble Lords opposite, that the best way of looking at the Constitution was to take the Constitution as settled in 1688, and not to go further back than that period. If they did go further back, then undoubtedly they would find that summonses to return Representatives were sent to a great many boroughs, particularly in Queen Mary's time; but then the electors

were generally the mayors and aldermen. He would not, however, go further back than 1688, but take the Constitution as he found it settled at that period. Had it been altered since? Yes, but only by the Scotch and Irish Unions, and by several boroughs having been taken from corruption, and given to wealth and respectability. Had they then a free Parliament in the time of William 3rd? If so, they had one still more free now, in the time of William 4th. Let them look at a letter which was written from the Hague by William 3rd. In that letter William said, that he accepted the invitation which had been given him by the full, free, and lawful Parliament. Was this language justifiable? Was the Parliament which effected the Revolution of 1688 a full, free, and lawful Parliament? It would be new to deny this character to that Parliament; and if such were its character, was not the lower House then the same as the present much calumniated House of Commons, which it was now sought to abolish because it would not lend itself to the purposes of northern Unions? He said, then, again, that they were not restoring the Constitution by this Bill; and saying this in the presence of his noble and learned friend on the Woolsack, he challenged his noble friend to contradict it if he could, and to tell him what period it was at which the British Parliament had been more free and more pure than at the present moment. No, this Bill, far from restoring the Constitution, was getting rid of the best part of the constituency of the country, and extending the worst part of it. The chief of the electors of England were burgage-tenants, freemen, freeholders, and householders. They were about to get rid of the first and the best, and to increase the last and the worst. Under this Bill a man might be a bankrupt, and still have a right to vote at an election. A table, a joint-stool, and a straw bed were the only implements necessary to set up this new pauper constituency. The Bill paid a delicate attention to the revenue and to landlords, by enacting that the voter's rent and taxes should be paid; but, having paid them, the voter might, at the time of giving his vote, not be worth a shilling in the world. See the difference with regard to the freeholder and the freeman; the freeholder must have his freehold in possession at the time of giving his vote, and the freeman must, before he acquired his free-

dom, have served an apprenticeship for seven years with respectability. He admitted that the law with regard to freemen ought to be altered; yes, he admitted this, and he did not hesitate to say, that he had always been, and was still a reformer. He was a reformer; but he warned their Lordships how they took away the rights of persons who had not abused those rights; for if they admitted such a principle as a just one, then the right of their Lordships even to their seats in that House became a very precarious right. A noble Viscount (Melbourne) had told them, that the principle of this Bill was not population; but let him tell that noble Viscount, that there was quite enough of the principle of population in it, to make up as pretty a system of universal suffrage as any modern radical could desire. He contended that if this Bill should pass, they would find it impossible long to resist Universal Suffrage and Vote by Ballot, and Annual Parliaments. Another noble Viscount (Goderich) had told them, that the principle of the Bill was population, in conjunction with taxation; but he should show to the noble Viscount, that the greater part of the new constituency were actually paupers. A gentleman well acquainted with the population of the country had stated in the House of Commons, that in large towns the majority of the 10*l.* householders were actually receiving parochial relief. Was this, then, giving the elections to population and property conjoined? They would find that the 10*l.* householders, so far from being fit to elect Members of Parliament, were the very persons who, if the elective franchise were given them, would be the most likely to sell it. Look at the great town of Liverpool. It was stated in a local Act, which passed in the last Parliament, that in Liverpool the holders of houses at 10*l.* and 12*l.* a year were in the receipt of parochial relief, and this was stated as a ground for exempting such persons from the payment of rates and taxes. He knew it was said that these persons would not have votes if they did not pay their taxes, and that they would only have votes if they did pay their taxes. This was the point to which he wanted to come. They would pay their taxes of course—that was to say, the gentlemen with long purses who came to be elected by them would pay their taxes for them. It had been said that talent would find its way into Parliament, notwithstanding this

Bill. Yes, talent would find its way into Parliament, but it would be the talent of demagogues—talent which would work mischief and destruction—talent which would not prevent the possessors of it from becoming the delegates of the wildest revolutionists. It had been well shown by a noble friend of his, that neither Ministers of State, nor gentlemen who would not stoop to such practices as he had described, would have much chance of being returned to Parliament under this Bill. If all that they had heard was true, they would have had a very different Bill if the labours of his noble and learned friend on the Woolsack, on this subject, had been allowed to proceed. He wished to God that those labours had not been stopped, for he believed that the result of them would have been such a measure as he, with his notions of Reform, could cheerfully have supported. This Bill, however, must inevitably lead to tumult and to riot; for it was a delusion which must, at no distant period, be dispelled; and he need not tell their Lordships that those men whose hopes and expectations had been frustrated and deceived, were, of all men, the most likely to disturb the peace. The people, with an indignant voice, would declare that they had been deluded, and would demand redress. He was sure that boroughs would be sold as constantly under this Bill as they were at present. Any large proprietor of houses might reduce the constituency of a borough to whatever point he pleased, by turning out his tenants every six or nine months. Then, again, if this were not done, it would be only the small holders who would have votes; for he appealed to their Lordships who were large landlords, whether any of their tenants, who paid great rents, paid them punctually every year. It was known that such tenants did not, and they therefore would have no votes under the Bill; for no adventurer, however desperate and rich, would attempt to pay such high rents in order to qualify men to vote for him. The farmers, therefore, who were told that they would have votes under this Bill would find themselves deceived—they would have no votes. Upon this turned one of his great objections to the Bill. If this Bill passed into a law, it would destroy the landed interest entirely, and with the landed interest it would destroy also the interest of the Church. He gave this warning to the right reverend

Prelates. He stated broadly that the Bill would destroy the landed interest, and with the landed interest the temporal possessions of the Church, so far as those possessions consisted of land. He was aware that many persons had been brought over to be friendly to this Bill, on the ground that it was a great boon to the landed interest. A greater mistake could not have been made, and he stated plainly, that if this Bill passed, there was an end to the landed interest. He was a bad calculator, but he believed that the landed interest at present was protected—counting only county Members—by ninety-two Members. This Bill would add sixty-five county Members, so that, after the passing of the Bill, there would be no other protection for the landed interest than 157 county Members. But how stood the protection of the landed interest now? Had it no other protection than that which arose from the number of county Members? It had other protection, and that protection resulted from the fact that the boroughs generally belonged to large landed proprietors, and that, by means of those boroughs, the just ascendancy, and nothing more than the just ascendancy, which it ought to have in the State, was given to the land. But see how the case would stand if this Bill passed into a law. They would then have 157—no, he was corrected, they would have 161 county Members; but the boroughs would return 316 Members, and he should like to know what chance the landed interest would have under such a system of Representation? These considerations justified him in saying, that there would be an end to the landed interest if this Bill passed. Yes, and of all other interests too, for upon the landed interest all other interests depended—rising with that one interest, and falling as that one interest fell. In the course of the debates on this Bill reference had been made to various other plans of Parliamentary Reform. The first was that of Oliver Cromwell, an usurper, it was true, but still a wise man in his day. Now Oliver Cromwell went further than he should be inclined to go; but Oliver Cromwell gave 262 Members to the landed interest, and 133 only to other property. The present Ministry had done just the contrary. Then again, Mr. Pitt, in the early part of his life, moved for leave to bring in a bill to add seventy-two Members to the counties, and Mr. Fox



assented to this proposition. He was sure he need add nothing to such authorities as these, the authorities of Mr. Pitt and Mr. Fox, both of whom he held in almost idolatrous respect. The noble and learned Lord next adverted to the intended division of counties, which he was certain would be attended with the most mischievous consequences. It would completely alter the constitution of that great body, the Members for counties, who were essential to the support of the British Constitution. Commissioners, specially appointed, were, it appeared, to draw certain lines, but on what principle he was at a loss to conceive. Those Commissioners, it was stated, had already commenced their labours, though the sanction of Parliament had not yet been obtained. He held that it would be derogatory to his character, having for many years held the office of a Judge, if he did not openly state his opinion on this question; and he hoped and trusted that, if this Bill were passed into a law, an inquiry would be made as to the persons who were to be appointed Commissioners for the divisions of counties, and for what reason they were so appointed. It was said, that the effect of this Bill would be, to give Representation to wealth and knowledge; but he could not see any grounds for supposing that, under this Bill, more Representation would be extended to wealth and knowledge than it possessed at present. And connected with this part of the subject, it was a very extraordinary fact, that persons who at least possessed knowledge, and who paid more than 10*l.* a-year rent, he meant individuals who resided in the Inns of Court, though in many respects treated by the law as house-keepers, were, for some reason or other, not allowed to vote under the provisions of this Bill. The effect of the measure would be, to place the whole elective rights of this country in the hands of the lowest class of persons. He would ask, how many towns were there in this country in which the majority of voters rented houses above the value of 20*l.* a-year? Their Lordships would find that in the towns of this country there were 378,280 houses, and of these only 52,000 paid a rent of 20*l.* and upwards. To that, the wealthier portion of the community, one-seventh of the Representation would be intrusted, whilst the poorer classes would retain no less than six-sevenths. In fact, the elective franchise would be given to a class many

of whom were no better than paupers. This would not be a Representation of the property, but of the poverty of the country. He wished to place the Representation of the country in the hands of respectability and property, and he denied that this system, viewed in any way, was calculated to effect such an object. By this Bill they would place the majority in the other House of Parliament, not in the hands of wealth and respectability, but of the lowest and poorest class. Now it was not consistent with the principles of the British Constitution that persons thus situated should be intrusted with such power. He had no objection, abstractedly, to any class of people; but he would never put trust in any set of men—he never would consent to bestow great powers on them, unless he had some security for the manner in which they would make use of that power. To a system which appeared to him likely to be destructive of the interests of Church and State, he never would be a party. He had done the best he could to prevent this country from being placed in the melancholy situation in which he was sure that it would be placed if this Bill were passed, and, let what might happen, he had at least the consolation of having performed his duty. It had been said in a menacing manner, “If you do not pass the Bill, beware of the consequences.” He would say, let them beware if they did pass it, because he was certain that it would not prevent, but that it would produce mischievous consequences. They were told that this measure would put an end to bribery and corruption. Now he was satisfied that if the Bill were carried, bribery and corruption would be increased and extended. It was a Bill decidedly calculated for the encouragement of bribery and corruption. He appealed to their Lordships on all these grounds, to pause before they sanctioned such a measure; and he hoped that if there was any weight in the observations which he had made, they would in some degree influence their Lordships in rejecting a bill which was inconsistent with their rights and with the rights of the Crown. He entreated their Lordships, before they allowed this Bill to go to a second reading, to weigh well the consequences likely to result from it. Sure he was, that if the estimate which he had formed of this Bill were a true one, the people generally were grossly deceived and deluded.

The Earl of *Eldon* then said—My Lords, if my noble and learned friend who has just sat down has felt it necessary to offer an apology to the House upon considerations arising out of his age and infirmity, in trespassing upon your Lordships, I feel that I am entitled to still more indulgence than, I thank God, my noble friend is yet entitled to. If I did not feel it an incumbent duty on me, I can assure your Lordships I should have spared you, and not encountered the hazard and difficulty which I feel in addressing you, in consequence of my age, and of that infirmity which has been occasioned in some degree by my constant attendance on this House. When threats, however, are held out to your Lordships in general, and those threats have been addressed particularly to me, I think myself called upon to say, from whatever quarter those threats come, that I would rather die by those threats being carried into execution than be influenced by them, or deterred from doing what I consider to be my duty. Having lived long in this blessed country—which still remains, and, I hope, will long remain, the most glorious nation on the face of the earth—it would ill become me, my Lords, to desert the last duty which it is probable I shall ever be able to perform. I well remember that on another question—and I would take this opportunity of declaring, before God and my country, that on that question—I mean the Roman Catholic Question—I took no part which I did not feel it my duty to take both to God and my country—but I very well remember that, at the period when that measure was under discussion, I stated that it was probably the last opportunity of which I should ever avail myself of addressing your Lordships. I thought so at the time, and, considering that I was then advanced to fourscore years, I had scarcely any right to expect to have been able again to address your Lordships, but as the kind and indulgent providence of God, has allowed me to continue in the enjoyment of a certain degree of health for a short period longer, I am able again to take my seat in this House. I remember, my Lords, that a noble Duke—the Peer shall be nameless—taunted me with appearing again before your Lordships, after the declaration I had made; but I felt myself called upon by a sense of duty which I could not resist, from the moment when my Sovereign called me to

a seat in this House, as long as my strength permitted me, to offer myself and my opinions to the suffrages and approbation, or to the dissent and reprobation, of my fellow-subjects. At this period, my Lords, no man in the world can address you under more of the feeling of infirmity and age, or under circumstances which distress him more. But I will not go to my grave without giving my opinion, that the measure which is now proposed is a most destructive measure to this country, and is calculated to reduce, by its consequences, this, which has hitherto been the most glorious of all the nations upon earth, to that state of misery which now afflicts all the other countries of the world. I may be wrong—no man is more likely to be so from infirmity of mind, produced by the infirmities of age; but from the moment my Sovereign sent me into this House, so long as I was able to do my duty, I have endeavoured to do so, through evil and through good report, and having duly considered this measure, I think it my duty to let your Lordships and my fellow-subjects know the reasons on which I have founded my opinion on this most momentous subject. I have heard doctrines, and law doctrines too, uttered with respect to this matter now under consideration, which I own have utterly astonished me, speaking as an Englishman and in an English assembly. Doctrines have been laid down with respect to the law of this country and its institutions, which I never heard of before, although I have spent a long life in considering what the law of this country is, and some time in considering how it might be improved. Those considerations, my Lords, have satisfied me that alterations are not always improvements; but when I find it stated in the preamble of this Bill, that it is expedient that all the acknowledged rights of property—that all the acknowledged rights arising out of charters—that all the rights of close corporations, and the rights of corporations which are not close, should be swept away—though it does come recommended by the name of Reform, I find it impossible to give it my assent. I do not think this property can be taken away, and I never can consent to hear the principle of expediency put forward as the justification of a measure which is not consistent with the principles of British law, and of the British Constitution. I know, my Lords, and I am ready to agree,

that there is a popular notion with respect to the boroughs in this country, that they are not property, but trusts. I say, my Lords, that they are both property and trust. Those old-fashioned gentlemen, whose names will be held in lasting remembrance after the delirium of this day shall have passed away—I mean such men as my Lord Holt and my Lord Hale, what have they said with respect to those unpopular things called boroughs? My Lords, they said that they are both a franchise and a right. Well then, my Lords, what are you now doing? I agree—no man is more ready to agree than I am—that, if both be abused to the detriment of the people, they ought to be taken away. But pardon me, my Lords, they are not to be taken away merely because that is said. I will ask your Lordships whether, in the history of this country, there has ever been a single instance of a right of property being taken away upon mere allegation? I do not put it upon the Minister of the day—I am dumb with respect to his Majesty's Ministers. I am a private man; but as a Member of this House, I am bound to do my duty. I will ask the country—I will ask your Lordships—and I wish to God my voice could be heard throughout the country—if you take away the right of property, which you are pleased to say has been abused—I ask if there is a single instance in which it has ever been taken away without the abuse being proved? I have been told, indeed, that in some place or other in the country such proof has been called for, but, nevertheless, that it has been refused to be heard. Now let me ask your Lordships, what is to be the consequence with respect to property of any species whatever—for there is no property in the country which is not accompanied with some trust to ensure its due application. Is it possible for any man to have the boldness to say, that property is secure when we are sweeping away near 100 boroughs, and almost all the corporations in the country, because we have a notion that those who are connected with them have not executed their trust properly? Will you thus proceed on mere allegation, for such is the course pointed out? Will your Lordships now do that which the House of Lords never before thought of doing? Will you proceed to disfranchisement without arbitrating between party and party? Will you not

hear the individuals against whom the allegation is made, as well as those who made it? Will you not hear the matter argued in your presence, and allow the right of calling witnesses, on whose evidence you may decide? This new doctrine, I repeat, affects every species of property which any man possesses in this country. My Lords, it has hitherto been the glory of this country that its Parliament will not legislate with respect to property without giving those concerned a full opportunity of being heard, and of asserting their rights. The constant practice is, to allow judicial proceedings in aid of the proceedings of the Legislature. But are your Lordships taking this course now? You are now about to condemn without giving the accused parties [an opportunity of being heard. With respect to borough rights, it has been asserted that there is no property in them. Now admitting, for a moment, that they are a mere trust, I am yet to learn that because they only constitute a trust, you are authorized to take away the use of that trust without proof of its mal-administration. This doctrine may be treated as the opinion of a doting old lawyer, but still I shall adhere to it while I find it supported by such men as Coke, and Hale, and Pollexfen, and all the most learned professors of the law. This, I contend, is not only a franchise, but a right of property—a right of property next to that of land. Now, those who have a right of land ought to be cautious before they countenance the sweeping away of God knows how many boroughs, without being aware that any one of them—and certainly with the moral conviction that not all of them—have been guilty of a mal-administration of trust. If such a proceeding be admitted, what security will there be for property in land? I have heard in the course of the last two or three months, a good deal about close corporations. I will now say, that close corporations are hereditary rights, held by Charter from the Crown; and they have as good a right to hold their charters under the Great Seal, as any of your Lordships have to your titles and your Peerages. Now I would ask one and all of your Lordships to say, how you would maintain your right to keep your Peerages, if an existing majority in this House should say, on the creation of other Peers, “We will not do so unconstitutional an act as to allow you to be introduced into

this House to secure a majority over us?" I impute to no individual any intention of doing such a thing. I do not object to the courtesy of creating Peers on the occasion of the Coronation. I should, on the contrary, be happy to see individuals introduced to the House, if the Member so created had not already voted for the Bill in the other House, and then came here to vote for it again; and I should be still more happy to find that they did not vote at all on this question. I do not, however, think that any man, or set of men, would dare to counsel such a proceeding under the present circumstances of the country. By such a proceeding the real sense of this House may sooner or later be overruled. My Lords, I respect the whole House of Hanover—I respect the King on the Throne—I am anxious to support his authority, and to forward the general interest of the State—but I believe that nothing could be so subversive of the rights of this House, nothing more injurious to the welfare of the country, than to leave it in the power of any set of men deliberately to effect that proceeding to which I have alluded. But there is a rumour abroad that the opinion of this House is to be, somehow or other, finally overruled. I say, my Lords, I do not credit it. I will not believe that any man, or set of men, will dare to adopt such a course. I know not who are thought to be the set of men alluded to in these reports; but this I will say, that I do not believe that the noble Earl, to whom I have been opposed throughout the whole course of my political life, honestly on my part, and honestly on his, because I know his opinions are as honest as mine—I do not believe that that Minister, whose name will be illustrious in future generations, whatever may be the fate of this Bill, will ever taint his character by recommending a measure which means neither more nor less than what, if you pass this Bill, will be done in due time—namely, to annihilate this House. With respect to the proposition of his Majesty's Ministers, or any object connected with it, I hope, before the Lords of this House strip off their robes, that they will let their Sovereign know their sentiments. Now, my Lords, let us suppose for a moment that there are some corporations containing but few influential members; I mean, but few who elect Members of Parliament. Has it ever been

heard of in the history of this country, or will it ever be heard of in the history of this country, that the Lords of this House should take upon themselves, on a Bill stating it to be expedient to do so and so, to destroy that Constitution which it has been found expedient to preserve from age to age, and which it has never been thought expedient to destroy until this experiment was proposed—that now you are about to sweep away all the corporations in the kingdom, because they are close, and there may be abuses in them? My Lords, the humble individual who now stands before you has some connexion with one of those corporations in which the noble Duke at the Table is interested. I desire to ask any one who knows the practice of that place, with respect to returning Members to Parliament, whether there is any place in the country which has sent more fit Members to the House of Commons than that? Well, then, my Lords, what is this sweeping disfranchisement that you propose? It is, first, to put an end to all the boroughs in schedule A; secondly, it is to destroy all the corporations in the country; and, thirdly, if it does not destroy the corporations, which to a certain extent it does, it introduces persons who have no connexion with the corporation to vote along with the corporators, and thus to destroy the rights of those corporators, which they have enjoyed for so many years, and for no other reason than that they live about seven miles from the town. My Lords, I am a freeman of Newcastle-upon-Tyne. I hold it to be one of the highest honours which I possess, and I consider that it ought to be an encouragement to all the young rising men of that place, that any man in this country, possessing moderate abilities, improved by industry, may raise himself to the highest situations in the country. For God's sake, my Lords, never part with that principle. You may ask me what application I make of this argument. My Lords, I will tell you the application. I received my education in the corporation school of that town on cheap terms. As the son of a freeman I had a right to it; and I had hoped that when my ashes were laid in the grave, where they probably soon will be, that I might have given some memorandum that boys there, situated as I was, might rise to be Chancellors of England, if, having the advantage of that education, they were honest, faithful, and

industrious in their dealings. Well, but this Bill, which is, it seems, founded in part on population, and in part on something else which I cannot tell—this Bill is to do away with corporations. My Lords, I have seen papers which were laid upon the Table of the House of Commons, stating that within the last thirty years 700 persons voted in that corporation; 700 is but a small proportion of those who belong to that corporation. But this Bill says, that although the King gave to the corporation of Newcastle-upon-Tyne all these privileges, which had never been touched before by any Bill, now 2,700 3s. 6d. a-week men shall be brought to co-operate with these 700. If any noble Lord will take the trouble to look back to the Members returned for that town, he will agree with me, that they would have done honour to any place; and yet the freemen by which those Members were returned are stigmatized, and are to be absolutely abolished, in order to admit 2,700 persons, whose only qualification is, that they must be householders at 3s. 6d. a-week. My Lords, let us take any objectionable borough, any close corporation, that can be named, and I will venture to say, that if your Lordships' House disfranchise either one or other of them, without calling in aid your legislative or judicial functions, without hearing what objections are to be made to it, and hearing its defence, such a proceeding goes further to abrogate a nation's privileges, and to limit those of your Lordships' House, than any other which I have ever known to be proposed to Parliament. My Lords, a great deal has been said in the course of these deliberations as to whether we are to have some measure of Reform or not. It is said of those who oppose the second reading of this Bill, almost every one—with the exception indeed of two—that is the utmost number that was stated last night—is for some sort of moderate Reform. What that measure is, no one has hitherto explained; but, my Lords, I have lived long in the two Houses of Parliament—more than fifty years—and I will take leave to say that neither the opinions of the noble Lords on the one side nor on the other, nor of those who sit between both sides, will ever get me to say one word more than this—that it is the duty of every Member of Parliament, when he is called on to declare his assent to or his dissent

from any measure, not to pledge himself beforehand; on the contrary I hold it to be his bounden duty, whatever may be the measure proposed, whether it be a measure which some call Reform, or some call a measure of change or alteration, to consider it well before he pronounces upon it. People suppose that everything which is called change is reform, but change and alteration are not of necessity reform. My Lords, you will observe that whatever the change may be, if the individual does not give it his best attention, if he does not reject the proposition, if he conscientiously thinks he ought to do so, or agree to it if he thinks it merits his approbation he does wrong, and he stands exactly in the same circumstances with regard to this Bill as to any other measure. As an old man, my Lords, I would take leave to warn the young men of this House, that they must not pledge their future opinions as to any particular measure, until they perceive what the full public bearing of that measure will prove to be. My Lords, I now come to one of the many considerations which have influenced me in the humble opinion which I have formed upon this subject. I well remember, my Lords (although it is a long time ago, I have a perfect recollection of it), that I fought under the banners of no less a man than Mr. Fox in the House of Commons, and feebly supported him against a proposition of this kind. Mr. Fox then stated that it would be an absolute injustice to disfranchise a borough, even where the majority of its voters were proved to be corrupt. That statesmen, on a subsequent occasion, confirmed this statement by repeating that it was an injustice, unless they were ready to tell all the other boroughs that they must be prepared to expect the same. I have had the honour of fighting under Mr. Fox against all my political friends. I was then what is now called a nomination-borough Member. But I would not have sat one moment in the House if I were not at liberty to rest upon my own opinion. No man would dare to put me into Parliament if it were not upon that understanding. Whether that opinion of mine was right or wrong, it is impossible for this House, if it wishes to maintain its united legislative and judicial functions, to consent to schedule A, without acting upon a principle which endangers every right and every privilege in the country. I well recollect also—and

your Lordships well know the time, when another eminent statesman made a motion for a Committee to inquire what could be done with a view to the reformation of Parliament. That motion failed, and in the subsequent year, or two years after—I forget which—the same Gentleman brought forward another motion, which had for its object to add eighty or a hundred Knights of the Shire to the House of Commons; but he never talked of admitting leaseholders to the franchise. I remember that distinguished individual stated to me, that he was obliged to those who had enabled the House of Commons to escape the consequences of that proposition. Let me now, my Lords, for a moment call your attention to the circumstances in which this country was placed in the year 1793. At that time there were three Societies in existence, one of them contained some of the best men in the country, and it was called the Society of the Friends of the People: when I mention this Society I am sorry to couple it with the other two, because more honourable and more respectable men never belonged to any association. And I cannot pass over this subject without repeating what I said in reference to the Catholic Association, that if you direct the law against associations, instead of against what passes in these associations, you will do no good. The second of the Societies to which I have alluded was that of the Constitutionalists, who had a very clever man at their head; and then there was the Corresponding Society. The doctrine of Universal Suffrage got into those associations, they sent delegates to France, and had communications with the revolutionary government of that country; and I will venture to say, that, blamed as the Government and the law officers of that day have been, if the measures had not been taken which were then taken, your Lordships would not be sitting here this night. Will the country—will your Lordships—will my fellow-subjects, whom I now see in another part of the House, say this—that they would rather have this country turned into a republic than have sustained the expenses of the war which we have carried on? I am sure you would express your indignation and contempt, if such a question were seriously put to you. My Lords, sacrifice one atom of our glorious Constitution, and all the rest is gone. Shall I ask whether the people

of this country would like to have young Napoleon on the throne of this country, or the House of Hanover? We owe to that House blessings for which we can never be sufficiently grateful. I have taken the liberty of making these observations, for the purpose of stating the reasons why I decline saying a word more than that, with respect to any measure—whether it be a Reform Bill or any other measure, nothing shall induce me to say one word for or against it, until I know what the measure is. My Lords, when I see that this has been a subject of so much consideration—when I see that not this exact measure, but the question of Reform, has been a subject of so much doubt and difficulty for fifty years, may not an humble man like me hope that your Lordships will excuse me, if I retain my opinion until I know whether the wisdom of the present day will effect a practical improvement upon the institutions of former days? No proposition, I am ready to admit, could be more invidious than that the House of Lords should refuse to go into Committee upon any measure, when, taking the principle and the provisions together, they do not object to the principle. But I qualify that by saying, that it would be unworthy of your Lordships' House to adopt a measure, even though you approved of its principle, if, having carefully read it, there were not one single clause of which you could or ought to approve. But, my Lords, I say that the principle of this Bill strikes at the established rules of property, and disfranchises with an unsparing hand, and in an unjust manner, not only whole bodies of our fellow-subjects, but I defy any man carefully to read any one clause and to point out a single one which does not either entirely disfranchise, or taint the franchise, by communicating the right to others, and thus, in effect, disfranchise those who held their privilege under charters, and under the established law of England—and this without any abuse being proved. I call upon any noble Lord to tell me if this Bill does not disfranchise every individual in Corporations, whether he be a tradesman or any thing else; whether it does not either disfranchise him altogether, or, by communication to others of those rights which he holds under charter, of that property which he has a right to enjoy as his exclusive privilege? In defiance of those

sweeping clauses of disfranchisement by which the Bill is characterised, I would ask the noble Earl, by what right was a freeman of a borough to be told that because he lived at a distance exceeding seven miles from the place, which distance he chose to traverse on foot or on horseback to the poll at his own expense, he shall not be allowed to give his vote for a Representative? Yet if he lived at a distance of seven miles and one furlong off, he is, without any other blame whatever, disqualified by the Bill on the Table. The case of the widows and daughters of freemen who, in particular boroughs, carried with them, or to their children, the franchise, is one which particularly appealed to the humane sympathy of your Lordships, yet even the widows and orphans are not spared by this inclement measure. Every thing which may oppose its sweeping clauses is borne down without reflecting on the ruin it brings along with it on individuals. Yet; if any person shall marry one of those privileged females on the Friday, and the Bill receives the next day the Royal Assent, the man so marrying her shall acquire the derivative right; but if he marries her one minute after the Royal assent, the Bill takes care to deprive him of all and every such advantage. The noble Earl was proceeding to describe the mode in which the franchise had been originally acquired, and was endeavouring to shew that it first sprung up in the agricultural districts, and was intimately, if not solely connected with the land, when

The Earl of *Oxford* rose to express a regret that the noble Earl confined his address to those immediately about him, so that he and others on the Ministerial side of the House could scarcely catch an occasional sentence of what he said.

[Cries of "*order order*," "Lord Eldon is on his legs."] Lord Rolle, the Marquis of Salisbury, and others rose to order, and a considerable period elapsed before the noble Earl could resume, after the Earl of Oxford had disclaimed all intention to interrupt, and said he only wished the noble Earl to raise his voice so that he might be heard.

The Earl of *Eldon*, resuming, said—a thousand other considerations of enormous weight on my mind on such a momentous occasion might be added, without travelling into minor objectionable details, but I am not disposed to reiterate what has

been in many cases so ably argued, or fatigue the House. It is, I confess, my Lords, an all-engrossing subject—and the Bill will be found, I fear from my soul, to go the length of introducing in its train, if passed, Universal Suffrage, Annual Parliaments, and Vote by Ballot. It will unhinge the whole frame of society as now constituted. Will you then, my Lords, consent to introduce into the Constitution a Bill which is at war with the preservation of that Constitution, and which is more particularly remarkable for being altogether incompatible with the existence of a House of Lords. I, my Lords, have nearly run my race in this world, and must soon go to my Maker and my dread account. What I have said in this instance in all sincerity, I have expressed out of my love to your Lordships, and in that sincerity I will solemnly assert, I believe in my heart that, with this Bill in operation, the Monarchy cannot exist—and that it is totally incompatible with the existence of the British Constitution.

The Marquis of Cleveland and several other noble Lords rose with the Lord Chancellor, but they gave way and the noble and learned Lord proceeded and spoke as follows:—

The *Lord Chancellor*: \* My Lords; I feel that I owe some apology to your Lordships for standing in the way of any noble Lords who wish to address you; but after much deliberation, and after consulting with several of my noble friends on both sides of the House, it did appear to us, as I am sure it will to your Lordships, desirable on many grounds that the Debate should be brought to a close this night; and I thought I could not better contribute to that end than by taking the present opportunity of addressing you. Indeed, I had scarcely any choice; I am urged on by the anxiety I feel on this mighty subject, which is so great, that I should hardly have been able to delay the expression of my opinion much longer; if I had, I feel assured, that I must have lost the power to address you. This solicitude is not, I can assure your Lordships, diminished by my recollection of the great talents and brilliant exertions of those by whom I have been preceded in the discussion, and the consciousness of the difficulties with which I have to contend in fol-

\* Printed from the corrected report published by Ridgway.

lowing such men. It is a deep sense of these difficulties that induces me to call for your patient indulgence. For although not unused to meet public bodies, nay, constantly in the habit, during many years, of presenting myself before great assemblies of various kinds, yet I do solemnly assure you, that I never, until this moment, felt what deep responsibility may rest on a Member of the Legislature in addressing either of its Houses. And if I, now standing with your Lordships on the brink of the most momentous decision that ever human assembly came to at any period of the world, and seeking to arrest you, whilst it is yet time, in that position, could, by any divination of the future, have foreseen in my earliest years that I should live to appear here, and to act as your adviser, on a question of such awful importance, not only to yourselves, but to your remotest posterity, I should have devoted every day and every hour of that life to preparing myself for the task which I now almost sink under—gathering from the monuments of ancient experience the lessons of wisdom which might guide our course at the present hour—looking abroad on our own times, and those not uneventful, to check, by practice, the application of those lessons—chastening myself, and sinking within me every infirmity of temper, every waywardness of disposition, which might by possibility impede the discharge of this most solemn duty—but above all, eradicating from my mind every thing that, by any accident, could interrupt the most perfect candour and impartiality of judgment. I advance thus anxious and thus humbled to the task before me; but cheered, on the other hand, with the intimate and absolute persuasion that I have no personal interest to serve—no sinister views to resist—that there is nothing in my nature or in my situation, which can cast even the shadow of a shade across the broad path, I will not say of legislative, but of judicial duty, in which I am now to accompany your Lordships.

I have listened, my Lords, with the most profound attention to the debate on this question, which has lasted during the five past days; and having heard a vast variety of objections brought against this measure, and having also attended to the arguments which have been urged to repel those objections, I, careless whether I give offence in any quarter or no, must, in common fairness, say, on the one hand,

that I am so far moved by some of the things which I have heard urged, as to be inclined towards the reconsideration of several matters on which I had conceived my mind to be fully made up; and, on the other, that in the great majority of the objections which have been ingeniously raised against this Bill, I can by no means concur; but, viewing them as calmly and dispassionately as ever man listened to the arguments advanced for and against any measure, I am bound by a sense of duty to say, that those objections have left my mind entirely unchanged as to the bulk of the principles upon which the Bill is framed. If I presumed to go through those objections, or even through the majority of them, in detail, I should be entering upon a tedious, and also a superfluous work: so many of them have been removed by the admirable speeches which you have already heard, that I should only be wasting your time were I once more to refute them; I should only be doing worse what my precursors have already done far better. I will begin, however, with what fell from a noble Earl (Earl Dudley)—with whose display I was far less struck than others, because I was more accustomed to it—who, viewing this Bill from a remote eminence, and not coming close, or even approaching near, made a *reconnaissance* of it too far off to see even its outworks—who, indulging in a vein of playful and elegant pleasantry, to which no man listens in private with more delight than myself, knowing how well it becomes the leisure hours and familiar moments of my noble friend, delivered with the utmost purity of diction and the most felicitous aptness of allusion—I was going to say a discourse—but it was an exercise, or essay—of the highest merit, which had only this fault—that it was an essay, or exercitation, on some other thesis, and not on this Bill. It was as if some one had set to my noble friend, whose accomplishments I know—whose varied talents I admire, but in whom I certainly desiderate soundness of judgment and closeness of argument, a theme *de rebus publicis*, or *de motu civium*, or *de novarum rerum cupiditate*—on change, on democracies, on republicanism, on anarchy; and on these interesting, but somewhat trite and even threadbare subjects, my noble friend made one of the most lucid, most terse, most classical, and, as far as such efforts will admit of eloquence,



most eloquent exertions, that ever proceeded from mortal mouth. My noble friend proceeded altogether on a false assumption; it was on a fiction of his own brain—on a device of his own imagination, that he spoke throughout. He first assumed that the Bill meant change and revolution, and on change and revolution he prelected voluminously and successfully. So much for the critical merits of his performance; but practically viewed—regarded as an argument on the question before us—it is to be wholly left out of view; it was quite beside the matter. If this Bill be change and be revolution, there is no resisting the conclusions of my noble friend. But on that point I am at issue with him; and he begins by taking the thing in dispute for granted. I deny that this Bill is change in the bad sense of the word; nor does it lead to, nor has it any connection with, revolution, except so far as it has a direct tendency to prevent revolution.

My noble friend, in the course of his essay, talked to your Lordships of this Administration as one prone to change; he told you that its whole system was a system of changes; and he selected as the first change on which he would ring a loud peal, that which he said we had made in our system of finance. If he is so averse to our making alterations in our scheme of finance the very first year we have been in office, what does he think, I ask, of Mr. Pitt's budgets, of which never one passed without undergoing changes in almost every one tax, beside those altogether abandoned? If our budget had been carried as it was originally brought in, with a remission of the timber duty, and the candle duty, and the coal duty, it would have been distinguished beyond all others only as having given substantial relief to the people on those very trivial and unnecessary articles, I suppose, of human life—fire, and light, and lodging. Then, our Law Reform is another change which my noble friend charged the Government with being madly bent on effecting. Scarcely had the Lord President of the Council risen to answer the objection raised against us on this score, than up started my noble friend to assert that he had not pressed any such objection into his service. My Lords, I am not in the habit of taking a note of what falls from any noble Lord in debate—it is not my practice—but by some fatality it did so happen that, whilst

my noble friend was speaking, I took a note of his observations, of which I will take the liberty of reading you the very first line. "Change and revolution; all is change; among the first—law." I took that note, because I was somewhat surprised at the observation, knowing, as I did, that this Law Reform had met with the approbation of my noble friend himself; and, what was yet more satisfactory to my mind, it had received the sanction of your Lordships, and had been passed through all its stages without even a division. My noble friend then told us, still reconnoitring our position at a distance, or, at most, partaking in an occasional skirmish, but holding himself aloof from the main battle—he told us that this Bill came recommended neither by the weight of ancient authority, nor by the spirit of modern refinement; that this attack on our present system was not supported by the experience of the past, nor sanctioned by any appearance of the great mind or the master genius of our precursors in later times. As to the weight of ancient authority, skilled as my noble friend is in every branch of literary history, I am obliged to tell him he is inaccurate; and, because it may afford him some consolation in this his day of discomfiture and anguish, I will supply the defect which exists in his historical recollections; for an author, the first of satirists in any age—Dean Swift—with whom my noble friend must have some sympathy, since he closely imitates him in this respect, that as the Dean satirized, under the name of man, a being who had no existence save in his own imagination; so my noble friend attacks, under the name of the Bill, a fancy of his own, a creature of his fertile brain, and which has no earthly connexion with the real ink and parchment Bill before you—Dean Swift, who was never yet represented as a man prone to change, who was not a Radical, who was not a Jacobin (for indeed those terms were in his day unknown); Dean Swift, who was not even a Whig, but, in the language of the times, a regular, staunch, thick-and-thin Tory, while enumerating the absurdities in our system, which required an adequate and efficient remedy, says:—"It is absurd that the 'boroughs, which are decayed, and destitute both of trade and population, are not 'extinguished'; (or, as we should say, in the language of the Bill, which was as unknown to Dean Swift as it is now to

my noble friend, put into schedule A,) 'because,' adds the Dean, 'they return Members who represent nobody at all;' so here he adopts the first branch of the measure; and next he approves of the other great limb; for the second grand absurdity which he remarks is, 'that several large towns are not represented, though they are filled with those who increase mightily the trade of the realm.' Then as to shortening the duration of Parliaments, on which we have not introduced a single provision into the Bill—if we had, what a cry should we have heard about the statesmen in Queen Anne's day, the great men who lived in the days of Marlborough, and during the period sung of by my noble friend, from Blenheim to Waterloo; how we should have been taunted with the Somerses and Godolphins, and their contemporaries, the Switts and the Addisons! What would they have said of such a change? Yet what did the same Dean Swift, the contemporary of Somers and Godolphin, the friend of Addison, who sang the glories of Blenheim, the origin of my noble friend's period—what did the Dean, inspired by all the wisdom of ancient times, say to shortening the duration of Parliament? 'I have a strong love for the good old fashion of Gothic Parliaments, which were only of one year's duration.' Such is the ground, such the vouchers, upon the authority of which my noble friend, in good set phrase, sets the weight of ancient wisdom against the errors of the Reformers, and triumphs in the round denial that we have any thing in our favour like the sanction of authority; and it turns out, after all, that the wise men of the olden time promulgated their opinions on the subject in such clear, and decisive, and vigorous terms, that if they were living in our days, and giving utterance to the same sentiments, they would be set down rather for determined Radicals than for enemies of Reform.

Then my noble friend, advancing from former times to our own, asked who and what they are that form the Cabinet of the day? To such questions it would be unbecoming in me to hazard a reply. I do not find fault with my noble friend for putting them; I admit that it is fair to ask who are they that propound any measure, especially when it comes in the shape of a great change. The noble Earl then complained of our poverty of genius—absence

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of commanding talents—want of master minds—and even our destitution of eloquence, a topic probably suggested by my noble friend's display who opened the Debate (Earl Grey), and whose efforts in that kind are certainly very different from those which the noble Earl seems to admire. But if it be a wise rule to ask by whom a measure is propounded before you give it implicit confidence, it certainly cannot be an unwise rule to ask, on the other hand, who and what be they by whom that measure is resisted, before you finally reject it on their bare authority. Nor can I agree with a noble friend of mine (the Earl of Carnarvon) who spoke last night, and who laid down one doctrine on this subject at which I marvelled greatly. It was one of his many allegories—for they were not metaphors nor yet similes—some of them, indeed, were endless, especially when my noble friend took to the water, and embarked us on board of his ship—for want of steam, I thought we should never have got to the end of our voyage. When we reply to their arguments against our measure, by asking what Reform they have got of their own to offer, he compares us to some host, who, having placed before his friends an uneatable dinner, which they naturally found fault with, should say, "Gentlemen, you are very hard to please: I have set a number of dishes before you, which you cannot eat—now, what dishes can you dress yourselves?" My noble friend says, that such an answer would be very unreasonable—for he asks, ingenuously enough, how can the guests dress a dinner, especially when they have not possession of the kitchen? But did it never strike him that the present is not the case of guests called upon to eat a dinner—it is one of rival cooks, who want to get into our kitchen. We are here all on every side cooks—a synod of cooks (to use Dr. Johnson's phrase), and nothing but cooks; for it is the very condition of our being—the bond of our employment, under a common master—that none of us shall ever taste the dishes we are dressing. The Commons House may taste it; but can the Lords?—we have nothing to do but prepare the viands. It is, therefore, of primary importance, when the authority of the two classes of rival artists is the main question, to inquire what are our feats severally in our common calling. I ought, perhaps, to ask your Lordships' pardon for pursuing my noble friend's allegory; but I saw that it produced an impression by the

cheers it excited, and I was desirous to show that it was in a most extraordinary degree inapplicable to the question, to illustrate which it was fetched from afar off. I therefore must think myself entitled to ask, who and what be they that oppose us, and what dish they are likely to cook for us, when once again they get possession of the kitchen? I appeal to any candid man who now hears me, and I ask him whether, it being fair to consider who are the authors of the Bill, it is not equally fair to consider from whom the objections come? I therefore trust that any impartial man, unconnected with either class of Statesmen, when called upon to consider our claims to confidence, before he adopts our measures, should, before he repudiates us in favour of our adversaries, inquire—are they likely to cure the evils, and remedy the defects, of which they admit the existence in our system?—and are their motives such as ought to win the confidence of judicious and calmly reflecting men?

One noble Lord there is (the Earl of Winchilsea) whose judgment we are called upon implicitly to trust, and who expressed himself with much indignation, and yet with entire honesty of purpose, against this measure. No man is, in my opinion, more single-hearted; no man more incorruptible. But in his present enmity to this Bill, which he describes as pregnant with much mischief to the Constitution, he gives me reason to doubt the soundness of the resolution which would take him as a guide, from the fact of his having been, not more than five or six months ago most friendly to its provisions, and expressed the most unbounded confidence in the Government which proposed it. Ought not this to make us pause before we place our consciences in his keeping—before we surrender up our judgment to his prudence—before we believe in his cry that the Bill is revolution, and the destruction of the empire, when we find that the same man delivered diametrically opposite opinions only six months ago? [The Earl of Winchilsea: “No!”] Then I have been practised upon, if it is not so; and the noble Earl's assertion should be of itself sufficient to convince me that I have been practised upon. But I can assure the noble Earl, that this has been handed to me as an extract from a speech which he made to a meeting of the county of Kent, held at Maidstone, on the 24th of last

March:—‘They have not got Reform yet; but when the measure does come, as I am persuaded it will come, into the law of the land’ [a loud cry of “No!” from the Opposition Lords]. Then if noble Lords will not let me proceed quietly, I must begin again, and this time I will go further back. The speech represents the noble Earl to have said—‘His Majesty's Government is entitled to the thanks of the country. Earl Grey, with his distinguished talents, unites a political honesty not to be surpassed, and leaves behind him, at an immeasurable distance, those who have abandoned their principles and deceived their friends. The noble Lord is entitled to the eternal gratitude of his country, for the manner in which he has brought forward this question. I maintain, that he deserves the support of the country at large.’ And, my Lords, the way in which I was practised on to believe that all this praise was not referable to the timber duties, but to Reform, I shall now explain. It is in the next passage of the same speech—‘They have not got Reform yet; but when the measure does come, as I am persuaded it will come, into the law of the land, it will consolidate, establish, and strengthen our glorious Constitution; and not only operate for the general welfare and happiness of the country, but will also render an act of justice to the great and influential body of the people. The measure has not yet been introduced to that House of which I am a Member.’ [Lord Winchilsea and his friends here cheered loudly.] Aye, but it had been debated in the House of Commons for near a month—it had been published in all books, pamphlets, and newspapers—it had been discussed in all companies and societies—and I will undertake to assert, that there was not one single man in the whole county of Kent, who did not know that Lord John Russell's Bill was a Bill for Parliamentary Reform. The speech thus concludes—‘When the Bill is brought forward in that House of which I am a Member, I shall be at my post, ready to give it my most hearty and cordial—opposition?—no—support.’ But why do I allude to this speech at all? Merely to show, that if those who oppose the Bill say to us, “Who are you that propound it?” and make our previous conduct a ground for rejecting it, through distrust of its authors, we have a right to reply to them with another question, and

to ask, "Who are you that resist it, and what were your previous opinions regarding it?"

Another noble Earl (the Earl of Mansfield) has argued this question with great ability and show of learning; and if we are to take him as our guide, we must also look at the panacea which he provides for us in case of rejection. That noble Earl, looking around him on all sides—surveying what had occurred in the last forty or fifty years—glancing above him and below him, around him and behind him—watching every circumstance of the past—anticipating every circumstance of the future—scanning every sign of the times—taking into his account all the considerations upon which a lawgiver ought to reckon—regarding also the wishes, the vehement desires, not to say absolute demands, of the whole country for some immediate Reform—concentrates all his wisdom in this proposition—the result, the practical result of all his deliberations, and all his lookings about, and all his scannings of circumstances—the whole produce of his thoughts, by the value of which you are to try the safety of his counsels—namely, that you should suspend all your operations on this Bill for two years, and, I suppose, two days, to give the people—what? breathing time. The noble Lord takes a leaf out of the book of the noble Duke near him—a leaf which I believe the noble Duke himself would now wish cancelled. The noble Duke, shortly before he proposed the great measure of Catholic Emancipation, had said—"Before I can support that measure, I should wish that the whole question might sink into oblivion." But the proposition of the noble Earl, though based on the same idea, goes still further. "Bury," says he, "this measure of Reform in oblivion for two years and two days, and then see, good people, what I will do for you." And then what will the noble Earl do for the good people? Why nothing—neither more nor less than nothing. We, innocents that we were, fancied that the noble Earl must, after all his promises, really mean to do something; and thought he had said somewhat of bribery—of doing a little about bribery—which was his expression; but when we mentioned our supposition, that he really meant to go as far as to support a bill for the more effectual prevention of bribery at elections, the noble Earl told us that he would do no

such thing. [The Earl of Mansfield: I gave no opinion on the point.] Exactly so. The noble Lord reserves his opinion as to whether he would put down bribery for two years and two days; and when they are expired, he, peradventure, may inform us whether he will give us leave to bring in a Bill to prevent bribery; not all kinds of bribery—that would be radical work—but as far as the giving away of ribands goes, leaving beer untouched, and agreeably to the venerable practice of the olden time.

Another noble Lord, a friend of mine, whose honesty and frankness stamps all he says with still greater value than it derives from mere talent (Lord Wharncliffe), would have you believe that all the petitions, under which your Table now groans, and indeed for Reform, but not for this Bill, which, he actually says the people dislikes. Now is not this a droll way for the people to act, if we are to take my noble friend's statement as true? First of all, it is an odd time they have taken to petition for Reform, if they do not like this Bill. I should say that if they petition for Reform, whilst this particular measure is passing through the House, it is a proof that the Bill contains the Reform they want. Surely when I see the good men of this country—the intelligent and industrious classes of the community—now coming forward, not by thousands but by hundreds of thousands, I can infer nothing from their conduct, but that this is the Bill, and the only Bill, for which they petition? But if they want some real Reform other than the Bill proposes, is it not still more unaccountable that they should one and all petition, not for that other Reform, but for this very measure? The proposition of my noble friend is, that they love Reform in general, but hate this particular plan; and the proof of it is this, that their petitions all pray earnestly for this particular plan, and say not a word of general Reform. Highly as I prize the integrity of my noble friend—much as I may admire his good sense on other occasions—I must say, that on this occasion I descry not his better judgment, and I estimate how far he is a safe guide either as a witness to facts, or as a judge of measures, by his success in the present instance; in either capacity, I cannot hesitate in recommending your Lordships not to follow him. As a witness to facts, never was failure more complete. The Bill, said he, has no friends anywhere; and he

mentioned Bond-street as one of his walks, where he could not enter a shop without finding its enemies abound. No sooner had Bond-street escaped his lips than up comes a petition to your Lordships from nearly all its shopkeepers, affirming that their sentiments have been misrepresented, for they are all champions of the Bill. My noble friend then says, "Oh, I did not mean the shopkeepers of Bond-street in particular; I might have said any other street, as St. James's, equally." No sooner does that unfortunate declaration get abroad, then the shopkeepers of St. James's-street are up in arms, and forth comes a petition similar to that from Bond-street. My noble friend is descried moving through Regent-street, and away scamper all the inhabitants, fancying that he is in quest of Anti-reformers—sign a requisition to the Churchwardens—and the householders, one and all, declare themselves friendly to the Bill. Whither shall he go—what street shall he enter—in what alley shall he take refuge—since the inhabitants of every street, and lane, and alley, feel it necessary, in self-defence, to become signers and petitioners as soon as he makes his appearance among them? If, harassed by Reformers on land, my noble friend goes down to the water, the thousand Reformers greet him, whose petition (Lambeth) I this day presented to your Lordships. If he were to get into a hackney-coach, the very coachmen and their attendants would feel it their duty to assemble and petition. Wherever there is a street, an alley, a passage, nay, a river, a wherry, or a hackney-coach, these because inhabited become forbidden and *tabooed* to my noble friend. I may meet him not on "the accustomed hill," for Hay-hill, though short, has some houses on its slope, but on the south side of Berkeley-square, wandering "remote, unfriended, melancholy, slow"—for there he finds a street without a single inhabitant, and therefore without a single friend of the Bill. If, in despair, he shall flee from the town to seek the solitude of the country, still will he be pursued by cries of "Petition, petition! The Bill, the Bill!" His flight will be through villages placarded with "The Bill"—his repose at inns holden by landlords who will present him with the bill; he will be served by Reformers in the guise of waiters—pay tribute at gates where petitions lie for signing—and plunge into his own domains to be overwhelmed

with the Sheffield petition signed by 10,400 friends of the Bill.

"Me miserable! whither shall I fly  
Infinite wrath and infinite despair?  
Which way I fly Reform—myself Reform!"

for this is the most serious part of the whole—my noble friend is himself, after all, a Reformer. I mention this to show that he is not more a safe guide on matters of opinion than on matters of fact. He is a Reformer—he is not even a bit-by-bit Reformer—not even a gradual Reformer—but that which at any other time than the present would be called a wholesale and even a Radical Reformer. He deems that no shadowy unsubstantial Reform—that nothing but an effectual remedy of acknowledged abuses, will satisfy the people of England and Scotland; and this is a fact to which I entreat the earnest and unremitting attention of every man who wishes to know what guides are safe to follow on this subject. Many now follow men who say that Reform is necessary, and yet object to this Bill as being too large; that is, too efficient. This may be very incorrect; but it is worse; it is mixed up with a gross delusion, which can never deceive the country; for I will now say, once for all, that every one argument which has been urged by those leaders is as good against moderate Reform as it is against this Bill. Not a single reason they give, not a topic they handle, not an illustration they resort to, not a figure of speech they use, not even a flower they fling about, that does not prove or illustrate the position of "No Reform." All their speeches, from beginning to end, are railing against the smallest as against the greatest change, and yet all the while they call themselves Reformers! Are they then safe guides for any man who is prepared to allow any Reform, however moderate, of any abuse, however glaring?

Of another noble Earl (Lord Harrowby), whose arguments, well selected, and ably put, were yet received with such exaggerated admiration by his friends, as plainly shewed how pressing were their demands for a tolerable defender, we have heard it said, again and again, that no answer whatever has been given to his speech. I am sure I mean no disrespect to that noble Earl, when I venture to remark the infinite superiority in all things, but especially in argument, of such speeches as those of the noble Marquis (Lansdowne) and the

noble Viscount (Melbourne). The former, in his most masterly answer, left but little of the speech for any other antagonist to destroy. The latter, while he charmed us with the fine eloquence that pervaded his discourse, and fixed our thoughts by the wisdom and depth of reflection that informed it, won all hearers by his candour and sincerity. Little, indeed, have they left for me to demolish; yet if anything remain, it may be as well we should take it to pieces. But I am first considering the noble Earl in the light of one professing to be a safe guide for your Lordships. What then are his claims to the praise of calmness and impartiality? For the constant cry is, against the Government, "You are hasty, rash, intemperate men. You know not what you do; your adversaries are the true State physicians; look at their considerate deportment; imitate their solemn caution." This is the sort of thing we hear in private as well as public. "See such an one—he is a man of prudence, and a discreet (the olden times called such, a sad man); he is not averse to all innovation, but dislikes precipitancy; he is calm; just to all sides alike; never gives a hasty opinion; a safe one to follow; look how he votes." I have done this on the present occasion; and, understanding the noble Earl might be the sort of personage intended, I have watched him. Common consistency was of course to be at all events expected in this safe model—some connexion between the premises and conclusion, the speech and the vote. I listened to the speech, and also, with many others, expected that an avowal of all or nearly all the principles of the Bill would have ended in a vote for the second reading, which might suffer the Committee to discuss its details, the only subject of controversy with the noble Earl. But no such thing; he is a Reformer, and approves the principle, objecting to the details, and, therefore—he votes against it in the lump, details, principle and all. But soon after his own speech closed he interrupted another, that of my noble and learned friend (Lord Plunkett), to give us a marvellous sample of calm and impartial judgment. What do you think of the cool head—the unruffled temper—the unbiassed mind of that man—most candid and most acute as he is, when not under the domination of alarm—who could listen without even a gesture of disapprobation to the speech of one noble Lord (Mansfield),

professedly not extemporaneous, for he, with becoming though unnecessary modesty, disclaims the faculty of speaking off-hand, but elaborately prepared, in answer to a Member of the other House, and in further answer to a quarto volume, published by him—silent and unmoved, could hear another speech, made up of extracts from the House of Commons' debates—could listen and make no sign when a noble Marquis (Londonderry) referred to the House of Commons' speeches of my noble friend by his House of Commons' name, again and again calling him Charles Grey, without even the prefix of Mr.; nay, could himself repeatedly comment upon those very speeches of the other House—what will your Lordships say of the fatal effects of present fear, in warping and distorting a naturally just mind, when you find this same noble Earl interrupt the Chancellor of Ireland, because he most regularly, most orderly, referred to the public conduct of a right hon. Baronet (Sir Robert Peel), exhibited in a former Parliament, and now become a matter of history? Surely, surely, nothing more is wanted to show that all the rashness—all the heedlessness—all the unreflecting precipitancy, is not to be found upon the right hand of the Woolsack; and that they who have hurried across the sea, in breathless impatience, to throw out the Bill, might probably, had they been at home, and allowed themselves time for sober reflection, have been found among the friends of a measure which they now so acrimoniously oppose! So much for the qualifications of the noble Lords, to act safely as our guides, according to the general view of the question as one of mere authority, taken by my noble friend (Earl Dudley). But I am quite willing to rest the subject upon a higher ground, and to take it upon reason, and not upon authority. I will therefore follow the noble Earl (Harrowby), somewhat more closely through his argument, the boast of our antagonists.

He began with historical matter, and gave a very fair and manly explanation of his family's connexion with the borough of Tiverton. This he said would set him *rectus in curia*, as he phrased it; if by this he meant that he should thence appear to have no interest in opposing the Bill, I cannot agree with him; but certainly his narrative, coupled with a few additions by way of reference, which may be made to it, throws considerable light

upon the system of rotten boroughs. The influence by which his family have so long returned the two Members, is, it seems, personal, and in no way connected with property. This may be very true; for certainly the noble Lord has no property within a hundred miles of the place; yet if it is true, what becomes of the cry, raised by his Lordship, about property? But let that pass—the influence then is personal—aye, but it may be personal, and yet be official also. The family of the noble Earl has for a long series of years been in high office, ever since the time when its founder also laid the foundations of the borough connexion, as Solicitor-general. By some accident or other, they have always been connected with the Government as well as the borough. I venture to suspect, that the matter of patronage may have had some share in cementing the attachment of the men of Tiverton to the House of Ryder. I take leave to suggest the bare possibility of many such men having always held local and other places—of the voters and their families having always got on in the world through that patronage. If it should turn out that I am right, there may be no very peculiar blame imputable to the noble Earl and his Tiverton supporters; but it adds one to the numberless proofs, that the borough system affords endless temptations to barter political patronage for parliamentary power—to use official influence for the purpose of obtaining seats in the Commons, and, by means of those seats, to retain that influence.

The noble Earl complained that the Reform Bill shut the doors of Parliament against the eldest sons of Peers, and thus deprived our successors of the best kind of political education. My Lords, I freely admit the justice of his panegyric upon this constitutional training, by far the most useful which a statesman can receive; but I deny that the measure proposed will affect it—will obstruct the passage to the House of Commons; it will rather clear and widen it to all, who like your Lordships' sons, ought there to come. My noble and friend (Viscount Goderich), who so admirably answered the noble Earl, in a speech distinguished by the most attractive eloquence, and which went home to every heart from the honest warmth of feeling, so characteristic of his nature, that breathed through it—has already destroyed this topic by referring to

the most notorious facts, by simply enumerating the open counties represented by Peers' eldest sons. But I had rather take one instance for illustration, because an individual case always strikes into the imagination, and rivets itself deep in the memory. I have the happiness of knowing a young nobleman—whom to know is highly to esteem—a more virtuous, a more accomplished I do not know—nor have any of your Lordships, rich as you are in such blessings, any arrow in all your quivers of which you have more reason to be proud. He sat for a nomination borough; formed his own opinion; decided for the Bill; differed with his family—they excluded him from Parliament, closing against him, at least that avenue to a Statesman's best education, and an heir-apparent's most valued preparation for discharging the duties of the Peerage. How did this worthy scion of a noble stock seek to re-open the door thus closed, and resume his political schooling, thus interrupted by the borough patrons? Did he resort to another close borough, to find an avenue like that which he had lost under the present system, and long before the wicked Bill had prevented young Lords from duly finishing their parliamentary studies? No such thing. He threw himself upon a large community—canvassed a populous city and—started as a candidate for the suffrages of thousands, on the only ground which was open to such solicitation—he avowed himself a friend of the Bill. *Mutato nomine de te.* The borough that rejected him was Tiverton—the young nobleman was the heir of the House of Ryder—the patron was the noble Earl—and the place to which the ejected Member resorted for the means of completing his political education in one House, that he might one day be the ornament of the other, was no small, rotten, nomination borough, but the great town of Liverpool.

The Earl of Harrowby begged to set the noble and learned Lord right. He was himself abroad at the time, 1,500 miles off; and his family had nothing to do with the transaction. His son was not returned, because he did not offer himself. [*cries of hear!*]

The Lord Chancellor continued, I hope the noble Lords will themselves follow the course their cries seem to recommend, and endeavour to hear. Excess of noise may possibly deter some speakers from per-

forming their duty; but my political education (of which we are now speaking) has been in the House of Commons; my habits were formed there, and no noise will stop me. I say so in tenderness to the noble persons who are so clamorous; and that, thus warned, they may spare their own lungs those exertions which can have no effect except on my ears, and perhaps to make me more tedious. As to the noble Earl's statement, by way of setting me right, it is wholly unnecessary—for I knew he was abroad—I had represented him as being abroad—and I had never charged him with turning out his son. The family, however, must have done it. [The Earl of Harrowby said, "No."] Then so much the better for my argument against the system, for then the borough itself had flung him out, and prevented him from having access to the political school. I believe the statement that the family had nothing to do with it, because the noble Earl makes it; but it would take a great deal of statement to make me believe that neither the patron nor the electors had any thing to do with the exclusion, and that the Member had voluntarily given up his seat, and indeed his office with his seat, beside abandoning his political studies, when he could have continued them as Representative of his father's borough.

But the next argument of the noble Earl I am, above all, anxious to grapple with, because it brings me at once to a direct issue with him, upon the great principle of the measure. The grand charge iterated by him, and re-echoed by his friends, is, that population, not property, is assumed by the Bill as the basis of Representation. Now this is a mere fallacy, and a gross fallacy. I will not call it a wilful mis-statement; but I will demonstrate that two perfectly different things are, in different parts of this short proposition, carefully confounded, and described under the same equivocal name. If, by basis of Representation is meant the ground upon which it was deemed right, by the framers of the Bill, that some places should send Members to Parliament, and others not, then I admit that there is some foundation for the assertion; but then it only applies to the new towns, and also it has no bearing whatever upon the question. For the objection—and I think the sound objection to taking mere population as a cri-

terion in giving the elective franchise, is, that such a criterion gives you electors without a qualification, and is in fact Universal Suffrage. And herein, my Lords, consists the grievous unfairness of the statement I am sifting; it purposely mixes together different matters, and clothes them with an ambiguous covering, in order, by means of the confusion and the disguise, to insinuate, that Universal Suffrage is at the root of the Bill. Let us strip off this false garb. Is there in the Bill any thing resembling Universal Suffrage? Is it not framed upon the very opposite principles? In the counties, the existing qualification by freehold is retained in its fullest extent; but the franchise is extended to the other kinds of property, copyhold and leasehold. It is true that tenants-at-will are also to enjoy it, and their estate is so feeble, in contemplation of law, that one can scarce call it property. But whose fault is that? Not the authors of the Bill, for they deemed that terms of years alone should give a vote; but they were opposed and defeated in this by the son of my noble friend near me (the Duke of Buckingham), and his fellow labourers against the measure. Let us now look to the borough qualification. [Some noise from conversation here took place.] Noble Lords must be aware that the Chancellor, in addressing your Lordships, stands in a peculiar situation. He alone speaks among his adversaries. Other Peers are at least secure against being interrupted by the conversation of those in their immediate neighbourhood. And for myself, I had far rather confront any distant cheers, however hostile, than be harassed by the talk of those close by. No practice in the House of Commons can ever accustom a person to this mode of annoyance, and I expect it, in fairness to cease.

To resume the subject where I was forced to break off. I utterly deny, that population is the test, and property disregarded, in arranging the borough Representation. The franchise is conferred upon householders only. Is not this a restriction? Even if the right of voting had been given to all householders, still the suffrage would not have been universal; it would have depended on property, not on numbers; and it would have been a gross misrepresentation to call population the basis of the Bill. But its framers restricted that generality, and determined that property to a certain, consi-



derable amount, should alone entitle to elect. It is true they did not take freehold tenure of land, as that qualification is inconsistent with town rights—nor did they take a certain amount of capital as the test—for that, beside its manifest inconvenience, would be a far more startling novelty than any the measure can be charged with. But the renting a 10*l.* house is plainly a criterion both of property and respectability. It is said, indeed, that we have pitched this qualification too low—but are we not now debating on the principle of the Bill? And is not the Committee the place for discussing whether that principle should be carried into effect by a qualification of 10*l.* or a higher? I have no objection, however, to consider this mere matter of detail here; and if I can satisfy the noble Earl, that all over England, except in London and a few other great towns, 10*l.* is not too low, I may expect his vote after all. Now, in small towns—I speak in the hearing of noble Lords who are well acquainted with the inhabitants of them—persons living in 10*l.* houses are in easy circumstances. This is undeniably the general case. In fact, the adoption of that sum was not a matter of choice. We had originally preferred 20*l.*, but when we came to inquire, it appeared that very large places had a most inconsiderable number of such houses. One town, for instance, with 17,000 or 18,000 inhabitants, had not twenty who rented houses rated at 20*l.* a-year. Were we to destroy one set of close boroughs, the Old Sarums and Gattons, which had at least possession to plead for their title, in order to create another new set of boroughs just as close, though better peopled? In the large town I have alluded to, there were not 300 persons rated at 10*l.* Occupiers of such houses, in some country towns, fill the station of inferior shopkeepers—in some, of the better kind of tradesmen—here they are foremen of workshops—there, artisans earning good wages—sometimes, but seldom, labourers in full work; generally speaking, they are a class above want, having comfortable houses over their heads, and families and homes to which they are attached. An opinion has been broached, that the qualification might be varied in different places—raised in the larger towns, and lowered in the smaller. To this I myself, at one time, leant very strongly; I deemed it a great improvement

of the measure. If I have since yielded to the objections which were urged, and the authorities brought to bear against me, this I can very confidently affirm, that if any one shall propound it in the Committee, he will find in me, I will not say a supporter, but certainly an ample security, that the doctrine, which I deem important, shall undergo a full and candid and scrutinizing discussion. I speak for myself only—I will not even for myself say, that were the Committee so to modify the Bill I would accept it thus changed. Candour prevents me from holding out any such prospect; but I do not feel called upon to give any decisive opinion now upon this branch of the details, not deeply affecting the principle; only, I repeat emphatically, that I shall favour its abundant consideration in the proper place—the Committee.

My Lords, I have admitted that there is some truth in the assertion of population being made the criterion of title in towns to send Representatives, though it has no application to the present controversy. Some criterion we were forced to take; for nobody holds that each place should choose Members severally. A line must be drawn somewhere, and how could we find a better guide than the population? That is the general test of wealth, extent, importance; and therefore substantially, though not in name, it is really the test of property. Thus after all, by taking population as the criterion of what towns shall send Members, we get at property by almost the only possible road, and property becomes substantially the basis of the title to send Representatives; as it confessedly is, in name as well as in substance, the only title to concur in the election of them. The whole foundation of the measure, therefore, and on which all its parts rest, is property alone, and not at all population.

But then, says the noble Earl, the population of a town containing 4,000 souls, may, for any provision to the contrary in the Bill, be all paupers! Good God! Did ever man tax his ingenuity so hard to find an absurdly extreme case? What, a town of 4,000 paupers! 4,000 inhabitants, and all quartered on the rates! Then who is to pay the rates? But if extreme cases are to be put on the one side, why may not I put one on the other? What say you to close boroughs coming, by barter or sale, into the hands of Jew jobbers,

gambling loan-contractors, and scheming attorneys, for the materials of extreme cases? What security do these afford against the machinations of aliens—aye, and of alien enemies? What against a Nabob of Arcot's parliamentary and financial speculations? What against that truly British potentate naming eighteen or twenty of his tools Members of the British House of Commons? But is this an extreme case, one that stands on the outermost verge of possibility, and beyond all reach of probable calculation? Why, it once happened; the Nabob Wallajah Cawn Bahauder had actually his eighteen or twenty Members bought with a price and sent to look after his pecuniary interests, as honest and independent Members of Parliament. Talk now of the principle of property—the natural influence of great families—the sacred rights of the Aristocracy—the endearing ties of neighbourhood—the paramount claims of the landed interest! Talk of British duties to discharge—British trusts to hold—British rights to exercise! Behold the Sovereign of the Carnatic, who regards nor land, nor rank, nor connection, nor open county, nor populous city; but his eye fastens on the time-honoured relics of departed greatness and extinct population—the walls of Sarum and Gattou; he arms his right hand with their venerable parchments, and, pointing with his left to a heap of star pagodas too massive to be carried along, lays siege to the citadel of the Constitution, the Commons House of Parliament, and its gates fly open to receive his well-disciplined band. Am I right in the assertion, that a foreign prince obtaining votes in Parliament, under the present system, is no extreme case? Am I wrong in treating with scorn the noble Earl's violent supposition of a town with 4,000 souls, and all receiving parish relief?

But who are they that object to the Bill its disregard of property? Is a care for property that which peculiarly distinguishes the system they uphold? Surely the conduct of those who contend that property alone ought to be considered in fixing the rights of election, and yet will not give up one freeman of a corporation to be disfranchised, presents to our view a miracle of inconsistency. The right of voting, in freemen, is wholly unconnected with any property of any kind whatever; the being a freeman, is no test of being worth one shilling. Freemen may be, and very

often are, common day-labourers, spending every week their whole weekly gains, menial servants, having the right by birth—men living in alms-houses—parish paupers. All who have been at contested elections for corporate towns know that the question constantly raised is, upon the right to vote of freemen receiving parish relief. The voters in boroughs, under the present system, are such freemen, non-resident as well as resident (a great abuse, because the source of a most grievous expense to candidates)—inhabitants paying scot-and-lot, which is only an imperfect form of the qualification intended by the Bill to be made universal, under wholesome restrictions—and burgage tenants. I have disposed of the two first classes; there remains the last. Burgages, then, are said to be property, and, no doubt, they resemble it a good deal more than the rights of freemen do. In one sense, property they certainly are. But whose? The Lord's who happens to have them on his estate. Are they the property of the voter, who, to qualify him for the purposes of election, receives his title by a mock conveyance at two o'clock in the afternoon, that he may vote at three for the nominee of the real owner, and at four returns it to the Solicitor of that owner, to be ready for the like use at the next election? This is your present right of voting by burgage, and this you call a qualification by virtue of property. It is a gross abuse of terms. But it is worse; it is a gross abuse of the Constitution—a scandal and an outrage no longer to be endured. That a peer, or a speculating attorney, or a jobbing Jew, or a gambler from the Stock Exchange, by vesting in his own person the old walls of Sarum, a few pigsties at Bletchingly, or a summer-house at Gattou, and making fictitious and collusive and momentary transfers of them to an agent or two, for the purpose of enabling them to vote as if they had the property, of which they all the while know they have not the very shadow, is in itself a monstrous abuse, in the form of a gross and barefaced cheat; and becomes the most disgusting hypocrisy, when it is seriously treated as a franchise by virtue of property. I will tell those peers, attorneys, jobbers, loan-contractors, and the Nabob's agents, if such there still be among us, that the time is come when these things can no longer be borne—and an end must at length be put to the abuse which suffers

the most precious rights of government to be made the subject of common barter—the high office of making laws to be conveyed by traffic, pass by assignment under a commission of bankrupt, or the powers of an Insolvent Act, or be made over for a gaming debt. If any one can be found to say that the abuses which enable a man to put his livery servants in the House of Commons as lawgivers, are essential parts of the British Constitution, he must have read its history with better eyes than mine; and if such person be right, I certainly am wrong—but if I am, then, also, are all those other persons far more in the wrong, who have so lavishly, in all times and countries, sung the praises of that Constitution. I well remember, when I argued at that bar the great cause of my noble friend claiming a barony by tenure (Lord Seagrave)—it was again and again pressed upon me by the noble and learned Earl (Eldon), as a consequence of the argument absurd enough to refute it entirely, that a seat in this House might become vested, as he said, in a tailor, as the assignee of an insolvent's estate and effects. I could only meet this by humbly suggesting, that the anomaly, the grossness of which I was forced to admit, already existed in every day's practice; and I reminded your Lordships of the manner in which seats in the other House of the Legislature are bought and sold. A tailor may, by purchase, or by assignment under a bankruptcy, obtain the right of sending Members to Parliament, and he may nominate himself—and the case has actually happened. A waiter at a gambling-house did sit for years in that House, holding his borough property, for aught I can tell, in security of a gambling debt. By means of that property, and right of voting, he advanced himself to the honours of the baronetcy. Fine writing has been defined to be right words in right places; so may fine acting be said to consist of right votes in right places, that is, on pinching questions; and in the discharge of my professional duty on the occasion of which I am speaking, I humbly ventured to approach a more awful subject, and to suggest the possibility of the worthy Baronet rising still higher in the State; and by persisting in his course of fine acting and judicious voting, obtaining, at length, a seat among your Lordships—which he would then have owed to a gambling debt. Certain it is, that the honours of the Peerage

have been bestowed before now upon right voters in right places. While I am on this subject, I cannot but advert to the remarks of my noble and learned friend (Lord Wynford), who was elevated from the Bench to this House, and who greatly censured the Ministers for creating some Peers who happened to agree with them in politics. The Coronation was, as all men know, forced upon us; nothing could be more against our will; but the Opposition absolutely insisted on having one, to show their loyalty; a creation of Peers was the necessary consequence, and the self-same number were made as at the last Coronation, ten years ago. But we did not make our adversaries Peers—we did not bring in a dozen men to oppose us—that is my noble friend's complaint; and we did not choose our Peers for such merits as alone, according to his view, have always caused men to be ennobled. Merit, no doubt, has opened to many the doors of this House. To have bled for their country—to have administered the highest offices of the state—to have dispensed justice on the Bench—to have improved mankind by arts invented, or enlightened them by science extended—to have adorned the world by letters, or won the more imperishable renown of virtue—these, no doubt, are the highest and the purest claims to public honours; and from some of these sources are derived the titles of some among us—to others, the purest of all, none can trace their nobility—and upon not any one of them, can one single peer in a score rest the foundation of his seat in this place. Service without a scar in the political campaign—constant presence in the field of battle at St. Stephen's chapel—absence from all other fights, from “Blenheim down to Waterloo”—but above all, steady discipline—right votes in right places—these are the precious, but happily not rare qualities, which have generally raised men to the Peerage. For these qualities the gratitude of Mr. Pitt showered down his Baronies by the score, and I do not suppose he ever once so much as dreamt of ennobling a man who had ever been known to give one vote against him.

My Lords, I have been speaking of the manner in which owners of boroughs traffic, and exercise the right of sending Members to Parliament. I have dwelt on no extreme cases; I have adverted to what passes every day before our eyes. See now the fruits of the system, also, by every

day's experience. The Crown is stripped of its just weight in the government of the country by the masters of rotten boroughs; they may combine; they do combine, and their union enables them to dictate their own terms. The people are stripped of their most precious rights by the masters of rotten boroughs—for they have usurped the elective franchise, and thus gained an influence in Parliament which enables them to prevent its restoration. The best interests of the country are sacrificed by the masters of rotten boroughs—for their nominees must vote according to the interest, not of the nation at large, whom they affect to represent, but of a few individuals whom alone they represent in reality. But so perverted have men's minds become, by the gross abuse to which they have been long habituated, that the grand topic of the noble Earl (Harrowby), and other debaters—the master-key which instantly unlocked all the sluices of indignation in this quarter of the House against the measure—which never failed, how often soever used, to let loose the wildest cheers, has been—that our Reform will open the right of voting to vast numbers, and interfere with the monopoly of the few; while we invade, as it is pleasantly called, the property of the Peers and other borough-holders. Why, say they, it absolutely amounts to Representation! And wherefore should it not, I say? and what else ought it to be? Are we not upon the question of Representation, and none other? Are we not dealing with the subject of a representative body for the people? The question is, how we may best make the people's House of Parliament represent the people; and, in answer to the plan proposed, we hear nothing but the exclamations—"Why, this scheme of your's is rank Representation! It is downright election! It is neither more nor less than giving the people a voice in the choice of their own Representatives! It is absolutely that most strange—unheard-of—unimagined—and most abominable—intolerable—incredibly-inconsistent and utterly pernicious novelty, that the Members chosen should have electors, and that the constituents should have something to do with returning the Members!" But we are asked, at what time of our history any such system as we propose to establish was ever known in England, and this appeal, always confidently made, was never more pointedly

addressed than by my noble and learned friend (Lord Wynford) to me. Now, I need not remind your Lordships, that the present distribution of the right to send Members is any thing rather than very ancient, still less has it been unchanged. Henry 8th created twenty boroughs—Edward 6th made twelve—good Queen Elizabeth created 120, revived forty-eight; and in all there were created and revived 200 down to the Restoration. I need only read the words of Mr. Prynne upon the remote antiquity of our borough system. He enumerates sixty-four boroughs—fourteen in Cornwall alone—as all new; and, he adds, 'for the most part, the Universities excepted, very mean, poor, inconsiderable boroughs, set up by the late returns, practices of sheriffs, or ambitious gentlemen desiring to serve them, court-ing, bribing, feasting them for their voices, not by prescription or charter (some few excepted), since the reign of Edward 4th. before whose reign they never elected or returned Members to any English Parliament, as now they do'.

Such then is the old and venerable distribution of Representation, time out of mind had and enjoyed in Cornwall and in England at large. Falmouth and Bossiney, Lostwithiel and Gram-pound, may, it seems, be enfranchised and welcome, by the mere power of the Crown. But let it be proposed to give Birmingham and Manchester, Leeds and Sheffield Members, by an Act of the Legislature—and the air resounds with cries of revolution!

But I am challenged to prove, that the present system, as regards the elective franchise, is not the ancient parliamentary constitution of the country—"upon pain," says my noble and learned friend, "of judgment going against me if I remain silent." My Lords, I will not keep silence, neither will I answer in my own person, but I will refer you to a higher authority, the highest known in the law, and in its best days, when the greatest lawyers were the greatest patriots. Here is the memorable report of the Committee of the Commons, in 1623-4, of which Committee Mr. Serjeant Granville was the chairman, of which report he was the author. Among its members were the most celebrated names in the law—Coke, and Selden, and Finch, and Noy, afterwards Attorney-general, and of known monarchical principles. The first resolution is this:—"There being no certain

'custom, nor prescription, who should be electors, and who not, we must have recourse to common right, which, to this purpose, was held to be, that more than the freeholders only ought to have voices in the election; namely, all men, inhabitants, householders, residents within the borough.'

What, then, becomes of the doctrine that our Bill is a mere innovation—that by the old law of England, inhabitants householders had no right to vote—that owners of burgage tenements, and freemen of Corporations, have in all times exclusively had the franchise? Burgage tenants, it is true, of old had the right, but in the way I have already described—not as now, the nominal and fictitious holders for an hour merely for election purposes, but the owners of each—the real and actual proprietors of the tenement. Freemen never had it at all, till they usurped upon the inhabitants, and thrust them out. But every householder voted in the towns without regard to value, as before the 8th of Henry 6th, every freeholder voted without regard to value in the counties—not merely 10*l.* householders, as we propose to restrict the right, but the holder of a house worth a shilling, as much as he whose house was worth 1,000*l.* But I have been appealed to; and I will take upon me to affirm, that if the Crown were to issue a writ to the Sheriff, commanding him to send his precept to Birmingham or Manchester, requiring those towns to send burgesses to Parliament, the votes of all inhabitant householders must needs be taken, according to the exigency of the writ and precept—the right of voting at common law, and independent of any usurpation upon it, belonging to every resident householder. Are, then, the King's Ministers innovators—revolutionists—wild projectors—idle dreamers of dreams, and feigners of fancies—when they restore the ancient common law right—but not in its ancient common law extent, for they limit, fix, and contract it? They add a qualification of 10*l.* to restrain it, as our forefathers in the fifteenth century restrained the county franchise by the freehold qualification.

But then we hear much against the qualification adopted—that is, the particular sum fixed upon—and the noble Earl (the Earl of Harrowby) thinks it will only give us a set of constituents busied in gaining their daily bread, and having no

time to study, and instruct themselves on State affairs. My noble friend, too, (the Earl of Dudley) who lives near Birmingham, and may, therefore, be supposed to know his own neighbours better than we can, sneers at the statesmen of Birmingham and at the philosophers of Manchester. He will live—I tell him, he will live to learn a lesson of practical wisdom from the statesmen of Birmingham, and a lesson of forbearance from the philosophers of Manchester. My noble friend was ill-advised when he thought of displaying his talent for sarcasm upon 120,000 people in the one place, and 180,000 in the other. He did little, by such exhibitions, towards gaining a stock of credit for the order he belongs to—little towards conciliating for the aristocracy which he adorns, by pointing his little epigrams against such mighty masses of the people. Instead of meeting their exemplary moderation, their respectful demeanour, their affectionate attachment, their humble confidence, evinced in every one of the petitions wherewithal they have in myriads approached the House, with a return of kindness—of courtesy—even of common civility—he has thought it becoming and discreet to draw himself up in the pride of hexameter and pentameter verse—skill in classic authors—the knack of turning fine sentences—and to look down with derision upon the knowledge of his unrepresented fellow-countrymen in the weightier matters of practical legislation. For myself, I too know where they are defective; I have no desire ever to hear them read a Latin line, or hit off in the mother tongue any epigram, whether in prose, or in well scanned verse. In these qualities they and I freely yield the palm to others. I, as their Representative, yield it. I once stood as such elsewhere, because they had none of their own; and though a noble Earl (the Earl of Harrowby) thinks they suffer nothing by the want, I can tell him they did severely suffer in the greatest mercantile question of the day, the Orders in Council, when they were fain to have a professional advocate for their Representative, and were only thus allowed to make known their complaints to Parliament. Again, representing them here, for them I bow to my noble friend's immeasurable superiority in all things, classical or critical. In book lore—in purity of diction—in correct prosody—even in elegance of personal demeanour, I, and they, in his

presence hide, as well we may, our diminished heads. But to say that I will take my noble friend's judgment on any grave practical subject—on anything touching the great interests of our commercial country—or any of those manly questions which engage the Statesman, the philosopher in practice—to say that I could ever dream of putting the noble Earl's opinions, aye, or his knowledge, in any comparison with the bold, rational, judicious, reflecting, natural, and because natural, the trustworthy opinions of those honest men, who always give their strong natural sense fair play, having no affectations to warp their judgment—to dream of any such comparison as this, would be, on my part, a flattery, far too gross for any courtesy—or a blindness which no habits of friendship could excuse!

When I hear so much said of the manufacturers and artisans being an inferior race in the political world, I, who well know the reverse to be the fact, had rather not reason with their contemners, nor give my own partial testimony in their favour; but I will read a letter which I happen to have received within the three last days, and since the Derby meeting. 'Some very good speeches were delivered,' says the writer, 'and you will, perhaps, be surprised when I tell you that much the best was delivered by a common mechanic. He exposed, with great force of reasoning, the benefits which the lower classes would derive from the Reform Bill, and the interest they had in being well governed. Not a single observation escaped him during a long speech, in the slightest degree disrespectful to the House of Lords, and he showed as much good taste and good feeling, as he would have done had he been a Member of St. Stephen's. He is, of course, a man of talent; but there are many others also to be found, not far behind him. The feeling in general is, that their capacity to judge of political measures is only despised by those who do not know them. These men were far from imputing to any of your Lordships, at that time, a contempt for their capacities. They had not heard the speech of the noble Earl, and they did not suspect any man in this House of an inclination to despise them. They did, however, ascribe some such contemptuous feelings—*horresco referens*—to a far more amiable portion of the aristocracy. They think (pursues the writer) they are only

'treated with contempt by a few women (I suppress the epithets employed) who, because they set the tone of fashion in London, think they can do so here too.'

The noble Earl behind (the Earl of Harrowby) addressed one observation to your Lordships, which I must in fairness confess I do not think is so easily answered as those I have been dealing with. To the Crown, he says, belongs the undoubted right, by the Constitution, of appointing its Ministers and the other public servants; and it ought to have a free choice, among the whole community, of the men fittest to perform the varied offices of the executive Government. But, he adds, it may so happen, that the choice having fallen on the most worthy, his constituents, when he vacates his seat, may not re-elect him, or he may not be in Parliament at the time of his promotion; in either case, he is excluded till a general election; and even at a general election, a discharge of unpopular, but necessary duties, may exclude him from a seat through an unjust and passing, and, possibly, a local disfavour with the electors. I have frankly acknowledged that I feel the difficulty of meeting this inconvenience with an apt and safe remedy, without a great innovation upon the elective principle. In the Committee, others may be able to discover some safe means of supplying the defect. The matter deserves fuller consideration, and I shall be most ready to receive any suggestion upon it. But one thing I have no difficulty in stating. Even should the evil be found remedyless and that I have only the choice between taking the Reform with this inconvenience, or perpetuating that most corrupt portion of our system, condemned from the time of Swift down to this day, and which even the most moderate and bit-by-bit Reformers have now abandoned to its fate—my mind is made up, and I cheerfully prefer the Reform.

The noble Earl (the Earl of Harrowby) has told my noble friend at the head of the Government (Earl Grey) that he might have occupied a most enviable position, had he only abstained from meddling with Parliamentary Reform. He might have secured the support, and met the wishes, of all parties. 'He stood,' says the noble Earl, 'between the living and the dead.' All the benefit of this influence, and this following, it seems, my noble friend has forfeited by the measure of Reform. My

Lords, I implicitly believe the noble Earl's assertion, as far as regards himself. I know him to be sincere in these expressions, not only because he tells me so, which is enough, but because facts are within my knowledge, thoroughly confirming the statement. His support, and that of one or two respectable persons around him, we should certainly have had. Believe me, my Lords, we fully appreciated the value of the sacrifice we made; it was not without a bitter pang that we made up our minds to forego this advantage. But I cannot so far flatter those noble persons as to say, that their support would have made the Government sufficiently strong in the last Parliament. Honest, and useful, and creditable as it would have been, it never could have enabled us to go on for a night without the support of the people. I do not mean the populace—the mob: I never have bowed to them, though I never have testified any unbecoming contempt of them. Where is the man who has yielded less to their demands than he who now addresses you? Have I not opposed their wishes again and again? Have I not disengaged myself from them on their most favourite subject, and pronounced a demonstration, as I deemed it, of the absurdity and delusion of the Ballot? Even in the most troublous times of party, who has gone less out of his course to pay them court, or less submitted his judgment to theirs? But if there is the mob, there is the people also. I speak now of the middle classes—of those hundreds of thousands of respectable persons—the most numerous, and by far the most wealthy order in the community; for if all your Lordships' castles, manors, rights of warren and rights of chase, with all your broad acres, were brought to the hammer, and sold at fifty years' purchase, the price would fly up and kick the beam when counterpoised by the vast and solid riches of those middle classes, who are also the genuine depositaries of sober, rational, intelligent, and honest English feeling. Unable though they be to round a period, or point an epigram, they are solid, right-judging men, and, above all, not given to change. If they have a fault, it is that error on the right side, a suspicion of State quacks—a dogged love of existing institutions—a perfect contempt of all political nostrums. They will neither be led astray by false reasoning, nor deluded by impudent flattery: but so neither

will they be scared by classical quotations, or browbeaten by fine sentences; and as for an epigram, they care as little for it as they do for a cannon-ball. Grave—intelligent—rational—fond of thinking for themselves—they consider a subject long before they make up their minds on it; and the opinions they are thus slow to form, they are not swift to abandon. It is an egregious folly to fancy that the popular clamour for Reform, or whatever name you please to give it, could have been silenced by a mere change of Ministers. The body of the people, such as I have distinguished and described them, had weighed the matter well, and they looked to the Government and to the Parliament for an effectual Reform. Doubtless they were not the only classes who so felt; at their backs were the humbler and numerous orders of the State; and may God, of his infinite mercy, avert any occasion for rousing the might which in peaceful times slumbers in their arms! To the people, then, it was necessary, and it was most fit, that the Government should look steadily for support; not to save this or that Administration; but because, in my conscience, I do believe that no man out of the precincts of Bethlem Hospital—nay, no thinking man, not certainly the noble Duke, a most sagacious and reflecting man—can, in these times, dream of carrying on any Government in despite of those middle orders of the State. Their support must be sought, if the Government would endure—the support of the people, as distinguished from the populace, but connected with that populace, who look up to them as their kind and natural protectors. The middle class, indeed, forms the link which connects the upper and the lower orders, and binds even your Lordships with the populace, whom some of you are wont to despise. This necessary support of the country it was our duty to seek (and I trust we have not sought it in vain) by salutary Reforms, not merely in the Representation, but in all the branches of our financial, our commercial, and our legal polity. But when the noble Earl talks of the Government being able to sustain itself by the support of himself and his friends, does he recollect the strong excitement which prevailed last winter? Could we have steered the vessel of the State safely through that excitement, either within doors or without, backed by no other support? I believe he

was then on the Bay of Naples, and he possibly thought all England was slumbering like that peaceful lake—when its state was more like the slumbers of the mountain upon its margin. Stand between the living and the dead, indeed! Possibly we might; for we found our supporters among the latter class, and our bitter assailants among the former. True it is, the noble Earl would have given us his honest support; his acts would have tallied with his professions. But can this be said of others? Did they, who used nearly the same language, and avowed the same feelings, give anything to the Government, but the most factious opposition? Has the noble Earl never heard of their conduct upon the Timber Duties, when, to thwart the Administration, they actually voted against measures devised by themselves—aye, and threw them out by their division? Exceptions there were, no doubt, and never to be mentioned without honour to their names, some of the most noble that this House, or, indeed, any country of Europe can boast of; one of them was Mr. T. P. Courtenay. They would not, for spiteful purposes, suffer themselves to be dragged through the mire of such vile proceedings, and conscientiously refused to join in defeating the measures themselves had planned. These were solitary exceptions; the rest, little scrupulous, gave up all to wreak their vengeance on the men who had committed the grave offence, by politicians not to be forgiven, of succeeding them in their offices. I do not, then, think that in making our election to prefer the favours of the country to those of the noble Earl, we acted unwisely, independent of all considerations of duty and of consistency; and I fear I can claim for our conduct no praise of disinterestedness.

My Lords, I have followed the noble Earl as closely as I could through his arguments, and I will not answer those who supported him with equal minuteness, because, in answering him, I have really answered all the arguments against the Bill. One noble Earl (Falmouth), seems to think he has destroyed it, when he pronounces, again and again, that the Members chosen under it will be delegates. What if they were delegates? What should a Representative be but the delegate of his constituents? But a man may be the delegate of a single person, as well as of a city or a town; he may be just as much a delegate, when he has one constituent as

when he has 5,000—with this material difference, that under a single constituent, who can turn him off in a moment, he is sure to follow the orders he receives implicitly, and that the service he performs will be for the benefit of one man and not of many. The giving a name to the thing, and crying out, Delegate! Delegate! proves nothing; for it only raises the question, who should be the delegator of this public trust—the people, or the borough-holders. Another noble Earl (Carnarvon) professing to wish well to the great unrepresented towns, complained of the Bill on their behalf, because, he said, the first thing it does is, to close up the access which they at present possess to Parliament, by the purchase of seats for mercantile men, who may represent the different trading interests in general. Did ever mortal man contrive a subtlety so absurd, so nonsensical as this? What! Is it better for Birmingham to subscribe and raise 5,000*l.* for a seat at Old Sarum, than to have the right of openly and honestly choosing its own Representative, and sending him direct to Parliament? Such horror have some men of the straight, open, highway of the Constitution, that they would, rather than travel upon it, sneak into their seats by the dirty, winding, by-ways of rotten boroughs.

But the noble Earl behind (Harrowby) professed much kindness for the great towns—he had no objection to give Birmingham, Manchester, and Sheffield, Representatives as vacancies might occur, by the occasional disfranchisement of boroughs for crimes. Was there ever any thing so fantastical as this plan of Reform? In the first place, these great towns either ought to have Members, or they ought not. If they ought, why hang up the possession of their just rights upon the event of some other place committing an offence? Am I not to have my right till another does a wrong? Suppose a man wrongfully keeps possession of my close; I apply to him, and say, “Mr. Johnson, give me up my property, and save me and yourself an action of ejectment.” Should not I have some cause to be surprised if he answered, “Oh no, I can’t let you have it till Mr. Thomson embezzles 10,000*l.*, and then I may get a share of it, and that will enable me to buy more land, and then I’ll give you up your field.”—“But I want the field, and have a right to get it; not because Thomson has committed a crime,



but because it is my field, and not yours—and I should be as great a fool as you are a knave, were I to wait till Thomson became as bad as yourself." I am really ashamed to detain your Lordships with exposing such wretched trifling.

A speech, my Lords, was delivered by my noble friend under the opposite gallery (the Earl of Radnor), which has disposed of much that remains of my task. I had purposed to show the mighty change which has been wrought in later times upon the opinions, the habits, and the intelligence of the people, by the universal diffusion of knowledge. But this has been done by my noble friend with an accuracy of statement, and a power of language, which I should in vain attempt to follow; and there glowed through his admirable oration, a natural warmth of feeling to which every heart instinctively responded. I have, however, lived to hear that great speech talked of in the language of contempt. A noble Earl (Falmouth), in the fullness of his ignorance of its vast subject, in the maturity of his incapacity to comprehend its merits, described it as an amusing—a droll speech; and, in this profound criticism a noble Earl (Carnarvon) seemed to concur, whom I should have thought capable of making a more correct appreciation. Comparisons are proverbially invidious; yet I cannot help contrasting that speech with another which I heard not very long ago, and of which my noble friend (Carnarvon) knows something—one not, certainly, much resembling the luminous speech in question, but a kind of chaos of dark disjointed figures—in which soft professions of regard for friends fought with hard censures on their conduct, frigid conceptions with fiery execution, and the lightness of the materials with the heaviness of the workmanship—

"*Frigida pugnabant calidis, humentia siccis,  
Mollia cum duris, sine pondere habentia pondus.*"

A droll and amusing speech, indeed! It was worthy of the same speaker, of whom both Mr. Windham and Mr. Canning upon one occasion said, that he had made the finest they ever heard. It was a lesson deeply impregnated with the best wisdom of the nineteenth century, but full also of the profoundest maxims of the seventeenth. There was not a word of that speech—not one proposition in its luminous context—one sentence of solemn admonition or of touching regret—fell from my noble friend (the Earl of Radnor)

—not a severe reproof of the selfishness—nor an indignant exclamation against the folly of setting yourselves against the necessary course of events, and refusing the rights of civilization to those whom you have suffered to become civilized—not a sentiment, not a topic, which the immortal eloquence and imperishable wisdom of Lord Bacon did not justify, sanction, and prefix.

They who are constantly taunting us with subverting the system of the Representation, and substituting a Parliamentary Constitution unknown in earlier times, must be told that we are making no change—that we are not pulling down, but building up—or, at the utmost, adapting the Representation to the altered state of the community. The system which was hardly fitted for the fourteenth century, cannot surely be adapted to the nineteenth. The innovations of time, of which our detractors take no account, are reckoned upon by all sound statesmen; and in referring to them, my noble friend (the Earl of Radnor) has only followed in the footsteps of the most illustrious of philosophers. 'Stick to your ancient parliamentary system,' it is said; 'make no alteration; keep it exactly such as it was in the time of Harry 3rd, when the two Houses first sat in separate chambers, and such as it has to this day continued!' This is the ignorant cry—this the very shibboleth of the party. But I have joined an issue with our antagonists upon the fact; and I have given the evidence of Selden, of Glanville, of Coke, of Noy, and of Prynne, proving to demonstration that the original right of voting has been subjected to great and hurtful changes—that the exclusive franchise of freemen is an usurpation upon householders—and that our measure is a restoration of the rights thus usurped upon. I have shown that the Ministers are only occupied in the duty of repairing what is decayed, not in the work of destruction, or of violent change. Your Lordships were recently assembled at the great solemnity of the Coronation. Do you call to mind the language of the Primate, and in which the Monarch swore, when the sword of kingly estate was delivered into his hands? 'Restore the things that are gone into decay; maintain that which is restored; purify and reform what is amiss; confirm that which is in good order!' His sacred Majesty well remembers his solemn vow

to restore the Constitution, and to reform the abuses time has introduced; and I, too, feel the duty imposed on me of keeping fresh in the recollection of the Prince, whom it is my pride and my boast to serve, the parts of our system which fall within the scope of his vow. But if he has sworn to restore the decayed, so has he also sworn to maintain that which is restored, and to confirm that which wants no repairing; and what sacrifice soever may be required to maintain and to confirm, that sacrifice I am ready to make, opposing myself, with my Sovereign, to the surge that may dash over me, and saying to it, "Hitherto shalt thou come; here shall thy waves be staid." For while that Sovereign tells the enemies of all change, "I have sworn to restore!" so will he tell them who look for change only, "I have also sworn to maintain!"

"Stand by the whole of the old Constitution!" is the cry of our enemies. I have disposed of the issue of fact, and shown that what we attack is any thing but the old Constitution. But suppose, for argument's sake, the question had been decided against us—that Selden, Coke, Noy, Glanville, and Prynne, were all wrong—that their doctrine and mine was all an illusion, and rotten boroughs the ancient order of things—that it was a fundamental principle of the old Constitution to have Members without constituents, boroughs without Members, and a representative Parliament without electors. Suppose this to be the nature of the old and much admired and more bepraised Government of England. All this I will assume for the sake of the argument, and I solicit the attention of the noble Lords who maintain that argument, while I show them its utter absurdity. Since the early times of which they speak, has there been no change in the very nature of a seat in Parliament? Is there no difference between our days and those when the electors eschewed the right of voting, and a seat in Parliament, as well as the elective franchise, was esteemed a burthen? Will the same principles apply to that age and to ours, when all the people of the three kingdoms are more eager for the power of voting than for any other earthly possession; and the chance of sitting in the House of Commons is become the object of all men's wishes? Even as late as the union of the Crowns, we have instances of informations filed in the Courts of law to compel Par-

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liament men to attend their duty, or punish them for the neglect—so ill was privilege then understood. But somewhat earlier we find boroughs petitioning to be relieved from the expense of sending Members, and Members supported by their constituents as long as they continued their attendance. Is it not clear that the parliamentary law applicable to that state of things can be applied to the present circumstance without in some respects making a violent revolution? But so it is in the progress of all those changes which time is perpetually working in the condition of human affairs. They are really the authors of change who resist the alterations which are required to adjust the system, and adapt it to new circumstances—who forcibly arrest the progress of one portion amidst the general advancement. Take as an illustration, the state of our jurisprudence. The old law ordained that a debtor's property should be taken in execution. But in early times there were no public funds, no paper securities, no accounts at bankers; land and goods formed the property of all; and those were allowed to be taken in satisfaction of debts. The law, therefore, which only said let land and goods be taken, excluded the resource against stock and credits, although it plainly meant that all the property should be liable, and would clearly have attached stock and credits, had they then been known. But when nine-tenths of the property of our richest men consist of stock and credits, to exempt these under pretence of standing by the old law, manifestly altering the substance for the sake of adhering to the letter; and substituting for the old law, that all a debtor's property should be liable, a new and totally different law, that a small portion only of his property should be liable. In no part of our system has there been a greater change than in the estimated value attached to the franchise, and to a seat in Parliament, from the times when one class of the community anxiously shunned the cost of electing, and another as cautiously avoided being returned, to those when both classes are alike anxious to obtain these privileges. Then, can any reasonable man argue, that the same law should be applied to two states of things so diametrically opposite? Thus much I thought fit to say, in order to guard your Lordships against a favourite topic, one sedulously urged by the adversaries of Reform, who

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lead men astray by constantly harping upon the string of change, innovation, and revolution.

But it is said—and this is a still more favourite argument—the system works well. How does it work well? Has it any pretensions to the character of working well! What say you to a town of 5,000 or 6,000 inhabitants, not one of whom has any more to do with the choice of its Representatives than any of your Lordships sitting round that Table—indeed, a great deal less—for I see my noble friend is there? (the Duke of Devonshire.) It works well, does it? How works well? It would work well for the noble Duke, if he chose to carry his votes to market! Higher rank, indeed, he could not purchase than he has; but he has many connexions, and he might gain a title for every one that bears his name. But he has always acted in a manner far more worthy of his own high character, and of the illustrious race of patriots from whom he descends, the founders of our liberties, and of the Throne which our Sovereign's exalted House fills; and his family have deemed that name a more precious inheritance than any title for which it could be exchanged. But let us see how the system works for the borough itself, and its thousands of honest, industrious inhabitants. My Lords, I once had the fortune to represent it for a few weeks; at the time when I received the highest honour of my life, the pride and exultation of which can never be eradicated from my mind but by death, nor in the least degree allayed by any lapse of time—the most splendid distinction which any subjects can confer upon a fellow-citizen—to be freely elected for Yorkshire, upon public grounds, and being unconnected with the county. From having been at the borough the day of the election, I can give your Lordships some idea how well the system works there. You may be returned for the place, but it is at your peril that you show yourself among the inhabitants. There is a sort of polling; that is, five or six of my noble friend's tenants ride over from another part of the country—receive their burgate qualifications—vote, as the enemies of the Bill call it, “in right of property,” that is, of the Duke's property, render up their title deeds—ding, and return home before night. Being detained in Court at York longer than I had expected on the day of this elective proceed-

ing, I arrived too late for the chairing, and, therefore, did not assist at that awful solemnity. Seeing a gentleman with a black patch, somewhere about the size of a Sergeant's coif, I expressed my regret at his apparent ailment; he said, “It is for a blow I had the honour to receive in representing you at the ceremony.” Certainly no constituent ever owed more to his representative than I to mine; but the blow was severe, and might well have proved fatal. I understand this is the common lot of the Members, as my noble friend (the Earl of Tankerville), who once sat for the place, I believe knows; though there is some variety, as he is aware, in the mode of proceeding, the convenient neighbourhood of a river with a rocky channel sometimes suggesting operations of another kind. I am very far, of course, from approving such marks of public indignation; but I am equally far from wondering that it should seek a vent; for I confess, that if the thousands of persons whom the well working of the present system insults with the farce of the Knareborough election (and whom the Bill restores to their rights) were to bear so cruel a mockery with patience, I should deem them degraded indeed.

It works well, does it? For whom? For the Constitution? No such thing. For borough proprietors it works well, who can sell seats, or traffic in influence, and pocket the gains. Upon the Constitution it is the foulest stain, and eats into its very core.

It works well for the people of England? For the people, of whom the many excluded electors are parcel, and for whom alone the few actual electors ought to exercise their franchise as a trust? No such thing. As long as a Member of Parliament really represents any body of his countrymen, be they freeholders, or copyholders, or leaseholders—as long as he represents the householders in any considerable town—and is in either way deputed to watch over the interests of a portion of the community, and is always answerable to those who delegate him—so long has he a participation in the interests of the whole state, whereof his constituents form a portion; so long may he justly act as representing the whole community, having, with his particular electors, only a general coincidence of views upon national questions, and a rigorous coincidence where their special interests are concerned. But

if he is delegated by a single man, and not by a county or a town, he does not represent the people of England; he is a jobber sent to Parliament, to do his own or his patron's work. But then we are told, and with singular exultation, how many great men have found their way into the House of Commons by this channel. My Lords, are we, because the only road to a place is unclean, not to travel it? If I cannot get into Parliament, where I may render the State good service, by any other means, I will go that way, defiling myself as little as I can, either by the filth of the passage, or the indifferent company I may travel with. I won't bribe; I won't job, to get in; but if it be the only path open, I will use it for the public good. But those who indulge in this argument about great men securing seats, do not, I remark, take any account of the far greater numbers of very little men who thus find their way into Parliament, to do all manner of public mischief. A few are, no doubt, independent; but many are as docile, as disciplined in the evolutions of debate, as any troops the noble Duke had at Waterloo. One borough proprietor is well remembered, who would display his forces, command them in person, carry them over from one flank to the other, or draw them off altogether, and send them to take the field against the larks at Dunstable, that he might testify his displeasure. When conflicting bodies are pretty nearly matched, the evolutions of such a corps decide the fate of the day. The noble Duke (the Duke of Wellington) remembers how doubtful even the event of Waterloo might have been, had Grouchy come up in time. Accordingly, the fortunate leader of that parliamentary force raised himself to an Earldom and two Lord Lieutenancies, and obtained titles and blue ribands for others of his family, who now fill most respectable stations in this House.

The system, we are told, works well—because, notwithstanding the manner of its election, the House of Commons sometimes concurs immediately in opinion with the people; and, in the long run, is seldom found to counteract it. Yet some times, and on several of the most momentous questions, the run has, indeed, been a very long one. The Slave-trade continued to be the signal disgrace of the country, the unutterable opprobrium of the English name, for many years after it had

been denounced in Parliament, and condemned by the people all in one voice. Think you this foul stain could have so long survived, in a Reformed Parliament, the prodigious eloquence of my venerable friend, Mr Wilberforce, and the unanimous reprobation of the country? The American war might have been commenced, and even for a year or two persevered in, for, though most unnatural, it was, at first, not unpopular. But could it have lasted beyond 1778, had the voice of the people been heard in their own House? The French war, which in those days I used to think a far more natural contest, having, in my youth, leant to the alarmist party, might possibly have continued some years. But if the Representation of the country had been reformed, there can be no reason to doubt, that the sound views of the noble Earl (Earl Grey), and the immortal eloquence of my right hon. friend (Mr. Fox), whose great spirit, now freed from the coil of this world, may be permitted to look down complacent upon the near accomplishment of his patriotic desires, would have been very differently listened to in a Parliament unbiassed by selfish interests; and of one thing I am as certain as that I stand here—that ruinous warfare never could have lasted a day beyond the arrival of Buonaparte's letter in 1800.

But still, it is said, public opinion finds its way more speedily into Parliament upon great and interesting emergencies. How does it so? By a mode contrary to the whole principles of representative government—by sudden, direct, and dangerous impulses. The fundamental principle of our Constitution, the great political discovery of modern times—that, indeed, which enables a State to combine extent with liberty—the system of Representation, consists altogether in the perfect delegation by the people of their rights, and the care of their interests to those who are to deliberate and to act for them. It is not a delegation which shall make the Representative a mere organ of the passing will, or momentary opinion, of his constituents. I am aware, my Lords, that in pursuing this important topic, I may lay myself open to uncandid inference, touching the present state of the country; but I feel sure no such unfair advantage will be taken, for my whole argument upon the national enthusiasm for Reform rests upon the known fact, that it is the

growth of half a century, and not of a few months; and according to the soundest views of representative legislation, there ought to be a general coincidence between the conduct of the delegate and the sentiments of the electors. Now, when the public voice, for want of a regular and legitimate organ, makes itself, from time to time, heard within the walls of Parliament, it is by a direct interposition of the people, not in the way of a delegated trust, to make the laws—and every such occasion presents, in truth, an instance where the defects of our elective system introduces a recurrence to the old and barbarous schemes of Government, known in the tribes and centuries of Rome, or the assemblies of Attica. It is a poor compensation for the faults of a system which suffers a cruel grievance to exist, or a ruinous war to last twenty or thirty years after the public opinion has condemned it, that some occasions arise when the excess of the abuse brings about a violent remedy or some revolutionary shock, threatening the destruction of the whole.

But it works well! Then why does the Table groan with the petitions against it, of all that people, for whose interests there is any use in its working at all? Why did the country, at the last election, without exception, wherever they had the franchise, return Members commissioned to complain of it, and amend it? Why were its own produce, the men chosen under it, voting against it by unexampled majorities? Of eighty-two English county Members, seventy-six have pronounced sentence upon it, and they are joined by all the Representatives of cities and of great towns.

It works well! Whence, then, the phenomenon of Political Unions—of the people everywhere forming themselves into associations to put down a system which you say well serves their interests? Whence the congregating of 150,000 men in one place, the whole adult male population of two or three counties, to speak the language of discontent, and refuse the payment of taxes? I am one who never have either used the language of intimidation, or will ever suffer it to be used towards me; but I also am one of those who regard those indications with unspeakable anxiety. With all respect for those assemblages, and for the honesty of the opinions they entertain, I feel myself bound to declare as an honest man, as a Minister of the Crown, as a Magistrate,

say, as standing by virtue of my office, at the head of the magistracy, that a resolution not to pay the King's taxes is unlawful. When I contemplate the fact, I am assured that not above a few thousands of those nearest the Chairman could know for what it was they held up their hands. At the same time there is too much reason to think that, the rest would have acted as they did, had they heard all that passed. My hope and trust is, that these men and their leaders will maturely re-consider the subject. There are no bounds to the application of such a power; the difficulty of counter-acting it is extreme: and as it may be exerted on whatever question has the leading interest, and every question in succession is felt as of exclusive importance, the use of the power I am alluding to, really threatens to resolve all government, and even society itself, into its elements. I know the risk I run of giving offence by what I am saying. To me, accused of worshipping the democracy, here is indeed a tempting occasion, if in that charge there were the shadow of truth. Before the great idol, the Juggernaut, with his 150,000 priests, I might prostrate myself advantageously. But I am bound to do my duty, and speak the truth; of such an assembly I cannot approve; even its numbers obstruct discussion, and tend to put the peace in danger,—coupled with such a combination against payment of taxes, it is illegal; it is intolerable under any form of government; and as a sincere well-wisher to the people themselves, and devoted to the cause which brought them together, I feel solicitous, on every account, to bring such proceedings to an end.

But, my Lords, it is for us to ponder these things well; they are material facts in our present inquiry. Under a system of real Representation, in a country where the people possessed the only safe and legitimate channel for making known their wishes and their complaints, a Parliament of their own choosing, such combinations would be useless. Indeed, they must always be mere *brutum fulmen*, unless where they are very general; and where they are general, they both indicate the universality of the grievance and the determination to have redress. Where no safety-valve is provided for popular discontent, to prevent an explosion that may shiver the machine in pieces—where the

people—and by the people, I repeat—I mean the middle classes, the wealth and intelligence of the country, the glory of the British name—where this most important order of the community are without a regular and systematic communication with the Legislature—where they are denied the Constitution which is their birth-right, and refused a voice in naming those who are to make the laws they must obey—impose the taxes they must pay—and control, without appeal, their persons as well as properties—where they feel the load of such grievances, and feel too the power they possess, moral, intellectual, and let me add, without the imputation of a threat, physical—then, and only then, are their combinations formidable; when they are armed by their wrongs, far more formidable than any physical force, then, and only then, they become invincible.

Do you ask, what, in these circumstances, we ought to do? I answer, simply our duty. If there were no such combinations in existence—no symptom of popular excitement—if not a man had lifted up his voice against the existing system, we should be bound to seek and to seize any means of furthering the best interests of the people, with kindness, with consideration, with the firmness, certainly, but with the prudence also, of Statesmen. How much more are we bound to conciliate a great nation, anxiously panting for their rights—to hear respectfully their prayers—to entertain the measure of their choice with an honest inclination to do it justice; and if, while we approve its principle, we yet dislike some of its details, and deem them susceptible of modification, surely we ought, at any rate, not to reject their prayers for it with insult. God forbid we should so treat the people's desire; but I do fear that a determination is taken not to entertain it with calmness and impartiality [*cries of "No! no!" from the Opposition.*] I am glad to have been in error; I am rejoiced to hear this disclaimer, for I infer from it that the people's prayers are to be granted. You will listen, I trust, to the advice of my noble and learned friend (Lord Plunkett), who, with his wonted sagacity, recommended you to do as you would be done by. This wise and Christian maxim will not, I do hope, be forgotten. Apply it, my Lords, to the case before you. Suppose, for a moment, that your Lordships, in your wisdom, should think it expedient to entertain

some Bill regulating matters in which this House alone has any concern—as the hereditary privileges of the Peerage, or the right of voting by proxy, or matters relating to the election of Peers representing the Aristocracy of Ireland and Scotland, or providing against the recurrence of such an extraordinary and indeed unaccountable event as that which decided on the Huntingdon Peerage without a Committee;—suppose, after great exertions of those most interested, as the Scotch and Irish Peers, or this House at large, your Lordships had passed it through all its stages by immense majorities, by fifty or a hundred to one, as the Commons did the Reform [*cries of "no."*] I say an overwhelming majority of all who represented any body—all the Members for counties and towns; but to avoid cavilling, suppose it passed by a large majority of those concerned, and sent down to the Commons, whom it only remotely affected. Well—it has reached that House; and suppose its Members were to refuse giving your measure any examination at all in detail, and to reject it at once. What should you say? How should you feel, think you, when the Commons arrogantly turned round from your request and said—"Let us fling out this silly Bill without more ado?—true, it regulates matters belonging exclusively to the Lords, and in which we cannot at all interfere without violating the law of the land; but still, out with it for an aristocratic, oligarchical, revolutionary Bill, a Bill to be abominated by all who have a spark of the true democratic spirit in their composition." What should you think if the measure were on such grounds got rid of without the usual courtesy of a pretended postponement, by a vote, that this Lords' Bill be rejected? And should you feel much soothed by hearing that some Opposition Chesterfield had taken alarm at the want of politeness among his brethren, and at two o'clock in the morning altered the words, retaining their offensive sense—I ask, would such proceedings in the Commons be deemed by your Lordships a fair, just, candid opposition to a measure affecting your own seats and dignities only? Would you tolerate their saying, "We don't mind the provisions of this Lords' Bill; we won't stop to discuss them; we won't parley with such a thing; we plainly see it hurts our interest, and checks our own patronage; for it is an aristocratic Bill, and an oli-

garchical Bill, and withal a revolutionary Bill?" Such treatment would, I doubt not, ruffle the placid tempers of your Lordships; you would say somewhat of your order, its rights and its privileges, and buckle on the armour of a well-founded and natural indignation. But your wonder would doubtless increase, if you learnt that your Bill had been thus contemptuously rejected in its first stage, by a House in which only two Members could be found who disapproved of its fundamental principles. Yes—all avow themselves friendly to the principle;—it is a matter of much complaint, if you charge one with not being a Reformer; but they cannot join in a vote which only asserts that principle, and recognizes the expediency of some Reform. Yes—the Commons all allow your Peerage Law to be an abomination—your privileges a nuisance—all cry out for some change as necessary—as imperative—but they, nevertheless, will not even listen to the proposition for effecting a change, which you, the most interested party, have devised and sent down to them. Where, I demand, is the difference between this uncourteous and absurd treatment of your supposed Bill by the Commons, and that which you now talk of giving to their's. You approve of the principle of the measure sent up by the other House, for the sole purpose of amending its own Constitution; but you won't sanction that principle by your vote, nor afford its friends an opportunity of shaping its features, so as if possible to meet your wishes. Is this fair? Is it candid? Is it consistent? Is it wise? Is it—I ask you—is it at this time very prudent? Did the Commons act so by you in Sir Robert Walpole's time, when the Bill for restraining the creation of Peers went down from hence to the Commons? No such thing; though it afterwards turned out that there was a majority of 112 against it, they did not even divide upon the second reading. Will you not extend an equal courtesy to the Bill of the Commons and of the people?

I am asked, what great practical benefits are to be expected from this measure? And is it no benefit to have the Government strike its roots into the hearts of the people? Is it no benefit to have a calm and deliberative, but a real organ of the public opinion, by which its course may be known and its influence exerted upon State affairs regularly and temperately,

instead of acting convulsively, and as it were by starts and shocks? I will only appeal to one advantage, which is as certain to result from this salutary improvement of our system as it is certain that I am addressing your Lordships. A noble Earl (Earl Winchelsea) inveighed strongly against the licentiousness of the Press; complained of its insolence; and asserted that there was no tyranny more intolerable than that which its conductors now exercised. It is most true, that the Press has great influence, but equally true, that it derives this influence from expressing, more or less correctly, the opinion of the country. Let it run counter to the prevailing course and its power is at an end. But I will also admit that, going in the same general direction with public opinion, the Press is oftentimes armed with too much power in particular instances; and such power is always liable to be abused. But I will tell the noble Earl upon what foundation this overgrown power is built. The Press is now the only organ of public opinion. This title it assumes; but it is not by usurpation; it is rendered legitimate by the defects of your Parliamentary Constitution; it is erected upon the ruins of real Representation. The periodical Press is the rival of the House of Commons; and it is, and it will be, the successful rival as long as that House does not represent the people—but not one day longer. If ever I felt confident in any prediction, it is in this, that the restoration of Parliament to its legitimate office of representing truly the public opinion, will overthrow the tyranny of which noble Lords are so ready to complain, who, by keeping out the lawful Sovereign, in truth, support the usurper. It is you who have placed this unlawful authority on a rock: pass the Bill, it is built on a quicksand. Let but the country have a full and free Representation, and to that will men look for the expression of public opinion, and the Press will no more be able to dictate, as now, when none else can speak the sense of the people. Will its influence wholly cease? God forbid! Its just influence will continue, but confined within safe and proper bounds. It will continue—long may it continue—to watch the conduct of public men—to watch the proceedings even of a reformed Legislature—to watch the people themselves—a safe, an innoxious, a useful instrument, to enlighten and improve mankind! But

its overgrown power—its assumption to speak in the name of the nation—its pretension to dictate and to command, will cease with the abuses and defects upon which alone it is founded, and will be swept away, together with the other creatures of the same abuses, which now “fright our Isle from its propriety.”

Those portentous appearances, the growth of later times, those figures—that stalk abroad, of unknown stature, and strange form—unions, and leagues, and musterings of men in myriads, and conspiracies against the Exchequer—whence do they spring, and how come they to haunt our shores? What power engendered those uncouth shapes—what multiplied the monstrous births, till they people the land? Trust me, the same power which called into frightful existence, and armed with resistless force, the Irish Volunteers of 1782—the same power which rent in twain your empire, and conjured up thirteen republics—the same power which created the Catholic Association, and gave it Ireland for a portion. What power is that? Justice denied—rights withheld—wrongs perpetrated—the force which common injuries lend to millions—the wickedness of using the sacred trust of Government as a means of indulging private caprice—the idiocy of treating Englishmen like the children of the South Sea Islands—the frenzy of believing, or making believe, that the adults of the nineteenth century can be led like children, or driven like barbarians! This it is that has conjured up the strange sights at which we now stand aghast. And shall we persist in the fatal error of combatting the giant progeny, instead of extirpating the execrable parent? Good God! Will men never learn wisdom, even from their own experience? Will they never believe, till it be too late, that the surest way to prevent immoderate desires being formed, aye, and unjust demands enforced, is, to grant in due season the moderate requests of justice? You stand, my Lords, on the brink of a great event—you are in the crisis of a whole nation’s hopes and fears. An awful importance hangs over your decision. Pause, ere you plunge! There may not be any retreat! It behoves you to shape your conduct by the mighty occasion. They tell you not to be afraid of personal consequences in discharging your duty. I too would ask you to banish all fears;

but, above all, that most mischievous most despicable fear—the fear of being thought afraid. If you won’t take counsel from me, take example from the Statesmanlike conduct of the noble Duke (Wellington), while you also look back, as you may with satisfaction upon your own. He was told, and you were told, that the impatience of Ireland for equality of civil rights was partial, the clamour transient, likely to pass away with its temporary occasion, and that yielding to it would be conceding to intimidation. I recollect hearing this topic urged within this House in July, 1828; less regularly I heard it than I have now done, for I belonged not to your number—but I heard it urged in the self-same terms. The burthen of the cry was—“It is no time for concession; the people are turbulent and the Association dangerous.” That summer passed, and the ferment subsided not. Autumn came, but brought not the precious fruit of peace—on the contrary, all Ireland was convulsed with the unprecedented conflict which returned the great chief of the Catholics to sit in a Protestant Parliament. Winter bound the earth in chains; but it controlled not the popular fury, whose surges, more deafening than the tempests, lashed the frail bulwarks of law founded upon injustice. Spring came—but no ethereal mildness was its harbinger, or followed in its train—the Catholics became stronger by every month’s delay, displayed a deadlier resolution, and proclaimed their wrongs in a tone of louder defiance than before. And what course did you, at this moment of greatest excitement, and peril, and menace, deem it most fitting to pursue? Eight months before, you had been told how unworthy it would be to yield when men clamoured and threatened. No change had happened in the interval, save that the clamours were become far more deafening, and the threats, beyond comparison, more overbearing. What, nevertheless, did your Lordships do? Your duty—for you despised the cuckoo-note of the season, “not be intimidated.” You granted all that the Irish demanded, and you saved your country. Was there in April a single argument advanced, which had not held good in July? None, absolutely none, except the new height to which the dangers of longer delay had risen, and the increased vehemence with which justice was demanded—and yet the real



to your pride which had prevailed in July, was in vain made in April, and you wisely and patriotically granted what was asked, and ran the risk of being supposed to yield through fear.

But the history of the Catholic claims conveys another important lesson. Though in right and policy and justice, the measure of relief could not be too ample, half as much as was received with little gratitude, when so late wrung from you, would have been hailed twenty years before with delight; and even the July preceding, the measure would have been received as a boon, freely given, which, I fear, was taken with but sullen satisfaction in April, as a right long withheld. Yet, blessed be God, the debt of justice, though tardily, was at length paid, and the noble Duke won by it civic honours which rival his warlike achievements in lasting brightness—than which there can be no higher praise. What, if he had still listened to the topics of intimidation and inconsistency which had scared his predecessors? He might have proved his obstinacy, and Ireland would have been the sacrifice.

Apply now this lesson of recent history—I may say of our own experience, to the measure before us. We stand in a truly critical position. If we reject the Bill, through fear of being thought to be intimidated, we may lead the life of retirement and quiet, but the hearts of the millions of our fellow-citizens are gone for ever; their affections are estranged; we, and our order and its privileges are the objects of the people's hatred, as the only obstacles which stand between them and the gratification of their most passionate desire. The whole body of the Aristocracy must expect to share this fate, and be exposed to feelings such as these. For I hear it constantly said, that the Bill is rejected by all the Aristocracy. Favour, and a good number of supporters, our adversaries allow it has among the people; the Ministers, too, are for it; but the Aristocracy, say they, is strenuously opposed to it. I broadly deny this silly, thoughtless assertion. What, my Lords, the Aristocracy set themselves in a mass against the people—they who sprang from the people—are inseparably connected with the people—are supported by the people—are the natural chiefs of the people? They set themselves against the people, for whom Peers are ennobled—

Bishops consecrated—Kings anointed—the people, to serve whom Parliament itself has an existence, and the Monarchy and all its institutions are constituted, and without whom none of them could exist for an hour? The assertion of unreflecting men is too monstrous to be endured—as a Member of this House, I deny it with indignation. I repel it with scorn, as a calumny upon us all. And yet are there those who, even within these walls, speak of the Bill augmenting so much the strength of the democracy, as to endanger the other orders of the State; and so they charge its authors with promoting anarchy and rapine. Why, my Lords, have its authors nothing to fear from democratic spoliation? The fact is, that there are members of the present Cabinet, who possess, one or two of them alone, far more property than any two Administrations within my recollection; and all of them have ample wealth. I need hardly say, I include not myself, who have little or none. But even of myself I will say, that whatever I have depends on the stability of existing institutions; and it is as dear to me as the princely possessions of any amongst you. Permit me to say, that, in becoming a Member of your House, I staked my all on the aristocratic institutions of the State. I abandoned certain wealth, a large income, and much real power in the State, for an office of great trouble, heavy responsibility, and very uncertain duration. I say, I gave up substantial power for the shadow of it, and for distinction depending upon accident. I quitted the elevated station of Representative for Yorkshire, and a leading Member of the Commons. I descended from a position quite lofty enough to gratify any man's ambition; and my lot became bound up in the stability of this House. Then, have I not a right to throw myself on your justice, and to desire that you will not put in jeopardy all I have now left?

But the populace only, the rabble, the ignoble vulgar, are for the Bill? Then what is the Duke of Norfolk, Earl Marshal of England? What the Duke of Devonshire? What the Duke of Bedford? [*cries of Order from the Opposition.*] I am aware it is irregular to name any noble Lord who is a friend to the measure; its adversaries are patiently suffered to call peers even by their christian and surnames. Then I shall be as regular as they were,

and ask, does my friend John Russell, my friend William Cavendish, my friend Harry Vane, belong to the mob, or to the Aristocracy? Have they no possessions? Are they modern names? Are they wanting in Norman blood; or whatever else you pride yourselves on? The idea is too ludicrous to be seriously refuted—that the Bill is only a favourite with the Democracy, is a delusion so wild as to point a man's destiny towards St. Luke's. Yet many, both here and elsewhere, by dint of constantly repeating the same cry, or hearing it repeated, have almost made themselves believe that none of the nobility are for the measure. A noble friend of mine has had the curiosity to examine the List of Peers, opposing and supporting it, with respect to the dates of their creation, and the result is somewhat remarkable. A large majority of the Peers created before Mr. Pitt's time, are for the Bill; the bulk of those against it are of recent creation; and if you divide the whole into two classes, those ennobled before the reign of George 3rd, and those since, of the former, fifty-six are friends, and only twenty-one enemies, of the Reform. So much for the vain and saucy boast, that the real nobility of the country are against Reform. I have dwelt upon this matter more than its intrinsic importance deserves, only through my desire to set right the fact, and to vindicate the ancient Aristocracy from a most groundless imputation.

My Lords, I do not disguise the intense solicitude which I feel for the event of this Debate, because I know full well that the peace of the country is involved in the issue. I cannot look without dismay at the rejection of the measure. But grievous as may be the consequences of a temporary defeat—temporary it can only be; for its ultimate, and even speedy, success is certain. Nothing can now stop it. Do not suffer yourselves to be persuaded, that, even if the present Ministers were driven from the helm, any one could steer you through the troubles that surround you, without Reform. But our successors would take up the task in circumstances far less auspicious. Under them, you would be fain to grant a bill, compared with which, the one we now proffer you is moderate indeed. Hear, the parable of the sybil; for it conveys a wise and wholesome moral. She now appears at your gate, and offers you mildly the volumes—the precious volumes—of wisdom and peace. The

price she asks is reasonable; to restore the franchise, which, without any bargain, you ought voluntarily to give: you refuse her terms—her moderate terms—she darkens the porch no longer. But soon, for you cannot do without her wares, you call her back—again she comes, but with diminished treasures; the leaves of the book are in part torn away by lawless hands—in part defaced with characters of blood. But the prophetic maid has risen in her demands—it is Parliaments by the Year—it is Vote by the Ballot—it is Suffrage by the Million! From this you turn away indignant, and for the second time she departs. Beware of her third coming; for the treasure you must have; and what price she may next demand, who shall tell? It may even be the mace which rests upon that Woolsack. What may follow your course of obstinacy, if persisted in, I cannot take upon me to predict, nor do I wish to conjecture. But this I know full well, that as sure as man is mortal, justice deferred enhances the price at which you must purchase safety and peace—nor can you expect to gather in another crop than they did who went before you if you persevere in their utterly abominable husbandry, of sowing injustice and reaping rebellion.

But among the awful considerations that now bow down my mind, there is one which stands pre-eminently above the rest. You are the highest judicature in the realm; you sit here as Judges, and decide all causes, civil and criminal, without appeal. It is a Judge's first duty never to pronounce sentence, in the most trifling case, without hearing. Will you make this the exception? Are you really prepared to determine, but not to hear, the mighty cause upon which a nation's hopes and fears hang? You are. Then beware of your decision? Rouse not, I beseech you, a peace-loving, but a resolute people; alienate not from your body the affections of a whole empire. As your friend, as the friend of my order, as the friend of my country, as the faithful servant of my Sovereign, I counsel you to assist with your uttermost efforts in preserving the peace, and upholding and perpetuating the Constitution. Therefore, I pray and I exhort you not to reject this measure. By all you hold most dear—by all the ties that bind every one of us to our common order and our common country, I solemnly adjure you—I warn

you—I implore you—yea, on my bended knees, I supplicate you—Reject not this Bill!

The Earl of *Winchilsea* wished to say a word in explanation after what had fallen from the noble and learned Lord who had just resumed his seat on the Woolsack. He had not expressed himself at the meeting to which reference had been made, as an advocate for “the Bill, the whole Bill, and nothing but the Bill.” It was true that he had expressed an opinion about Reform before he had ever read this Bill in print, but on his return from the House of Commons, the night that it was introduced, he wrote a letter to the noble Duke opposite (the Duke of Richmond) which he was sure that noble Duke would have the candour to acknowledge. In that letter, of which he had a copy in his possession, he stated decidedly his objections to parts of this measure, and the utter impossibility of giving his sanction to them, or to any such enactments. He called on the noble Duke to say whether he had not received such a letter from him. When he came down to that House on Monday last, no individual in that House knew what vote he intended to give with respect to this measure, and he could honestly and fairly declare, that he had not, up to that moment, made up his mind as to how that vote should be given. He waited till he heard the speech of the noble Earl at the head of his Majesty’s Government, and if in that speech that noble Earl had given him ground for supposing that those parts of the Bill to which he had expressed his objection in the letter to which he had already alluded, would be omitted from it, he would have given his vote for the second reading of this Bill. As that, however, was not the case, and as those objectionable parts of the Bill were to be still retained in it, he felt it his duty conscientiously and consistently to vote against it. The noble and learned Lord on the Woolsack had indulged in several personal attacks on several individuals on that side of the House. Amongst those attacks that noble and learned Lord had made a most cruel and uncalled for attack on him (the Earl of *Winchilsea*) and he must say, that such attacks were unworthy of the dignity of the high situation which that noble and learned Lord filled.

The Duke of *Richmond* said, that his noble friend had appealed to him to say whether he had not, on the occasion to

which he alluded, written the letter he stated to him (the Duke of Richmond). It did not require his testimony, he was sure, to confirm his noble friend’s assertion of the fact. His noble friend did write such a letter to him, in which he expressed the same opinions that he expressed when he last addressed their Lordships. At the same time he could not avoid saying, that he thought his noble friend ought to vote for the second reading of this Bill.

Lord *Lyndhurst*: After the splendid declamation which you have just heard, my Lords, from my noble and learned friend, which has never been surpassed on any occasion, even by the noble and learned Lord himself, it is no matter of surprise that I should present myself to your Lordships with great hesitation and anxiety; but feeling the situation in which I now stand, and recollecting the station which I formerly had the honour of holding in this House, I presume it would be considered a shrinking from an imperious duty, if I satisfied myself with giving a silent vote on so important and momentous an occasion. After the various discussions which have taken place in this, and the other House of Parliament, on the subject of Reform, and sinking, as I now am, under, as I may say, the effects of personal fatigue, and exhausted as your Lordships must be, it will not be expected that I should enter extensively into the details of this measure. I shall, therefore, confine myself to stating, as distinctly and as clearly as my strength will permit, the grounds upon which I oppose the second reading of this Bill. My noble friend at the head of his Majesty’s Government stated, on a former night, the opinion which his Majesty was supposed to entertain upon this subject. My noble friend might have been somewhat incorrect in phrase, but his meaning was such as could not have been misunderstood. It must have been quite obvious to all your Lordships, that my noble friend could not have meant to convey that his Majesty had approved of this specific measure, for such conduct on his part would have been of a most unparliamentary character. All that my noble friend could have meant to convey was, that his Majesty had expressed himself favourably to a consideration of the question of Reform by the two Houses of Parliament, ‘confident’ as he was, ‘that in any measures which you may prepare for its adjustment, you will carefully

'adhere to the acknowledged principles of the Constitution, by which the prerogatives of the Crown, the authority of both Houses of Parliament, and the rights and liberties of the people are equally secured.'\* After the best consideration which I can give this Bill, and the subject to which it refers, I am ready to admit, that if it at all corresponded to the recommendation contained in the Speech from the Throne, it should have my cordial support. With great hesitation, and not without the most anxious inquiry, should I have resolved to do so, but still I should have felt it my duty not to have withheld my support, if there had been any accordance between the recommendation from the Throne and the Bill that now lies on your Lordships' Table. But I feel it my duty to oppose this measure, because it appears to me not calculated to support the just prerogatives of the Crown, but to destroy them—not of a nature to establish the authority of this House, but to undermine and overthrow that authority—not to protect the rights and the liberties of the people, but to overturn them. On these grounds, then, do I oppose the second reading of this Bill. It could not but have been obvious to your Lordships, that in the whole of the lengthened speeches which you have heard from the advocates of this measure, not even excepting that of my noble and learned friend, the great question at issue has been left out of view. When my noble friend (Earl Grey) opened this matter to the attention and adoption of the House, it could not but have been observed, that instead of entering at length into the probable consequences of the adoption of the measure, he contented himself with making an attack upon the late Government of his Majesty. Instead of pointing out the nature and extent of the proposed Reform, he contented himself with making an attack upon the noble Duke now at the Table, who was not present to defend himself, and upon a right hon. friend of mine who was not present in this House to vindicate his own principles and conduct, as the noble Duke did so successfully. My noble friend recurred to the thrice-told tales of the resignation of the late Administration, and his Majesty's intended visit to the city, and seemed to found on them alone the justification of

a measure which is to alter the whole Constitution of the country. The omissions of my noble friend were not supplied by any of the noble Lords who followed him. In fact, not one of the advocates of the measure has pointed out a single result that is likely to ensue upon its adoption. Adverting now to the speech of my noble and learned friend upon the Woolsack, in conjunction with this omission, I confess I did expect that his master-mind would have grappled with this part of the subject, but in no part of what fell from him have I been able to trace anything in justification of so extensive a change, or anything like an anticipation of what may hereafter be expected to ensue from the adoption of such a measure. I think this omission on the part of the supporters of the Bill the more remarkable, as the course of argument on this side of the House has mainly turned on the consequences that may be expected to result from the adoption of this measure; and that most of my noble friends near me, who opposed the second reading, had argued that a change to this extent was not called for, and that it would be attended with the most disastrous consequences. In fact, by many noble Lords this has been treated as the real question at issue, while his Majesty's Ministers have, throughout the whole of the Debate, maintained upon this point the most extraordinary silence and reserve. We, who oppose Reform, founded on the principles of this Bill—we, who argue that such an extensive measure as this would subvert the old Constitution of the country, and substitute a new one in its place—introducing a representative body entirely of a new character—we, who take this view of the subject, and who object to the principles on which this specific plan of Reform is founded, are stigmatized, I will not say within the walls of this House, though, to speak the truth, we have not even here been treated with great courtesy, but stigmatized out of doors as the supporters of old and obsolete prejudices—as persons who cling to ancient abuses solely on the ground of their antiquity; and as persons—for even that has been hinted—who, in the view we take of this question, are influenced by sordid and personal motives. Allow me, however, to say, that amongst the opponents of the Bill in this House, there are not more than six proprietors of nomination boroughs. We have been at-

\* Hansard's Parl. Debates, Third Series, vol. iv. p. 85.

tacked through the public Press, and in different quarters, with a force which appeared to assume that we were destitute of the means of vindication; but I can appeal to the very highest authorities—I could fight our battle—I could defend our language—I could support the principles we advocated by the high authority of the greatest Statesmen, the profoundest philosophers, and the most eminent politicians, that this country has ever produced. My Lords, it is easy to show that if we do err, we err in the company of the greatest men this, or any other country, has ever been proud of. I might easily refer to illustrious names, but I pass from these—I pass from the dead to the living—I pass to the authority of the noble Lords opposite themselves—I say, if we err, we do so under the sanction of the noble Lords opposite themselves. I remember the speech made by the noble Earl (Grey) on the first day of the last Session of the last Parliament—the language of that brilliant speech made a deep impression on my mind—I remember that the noble Earl said, that in early life I have urged this question with the ‘rashness of youth, but I have never thought that Reform should be insisted on as a matter of popular right.’ The right (my noble friend added) of the people is, to good Government, and that is, in my judgment, inconsistent with Universal Suffrage, under our present institutions.\* Now, however, my noble friend advocates a measure which, even in the rashness of youth, he thought was going too far. The present Bill forms a striking contrast with every measure which at any period of his life, he ever recommended or supported, and far transcends them all. The speech of my noble friend was warmly applauded by the noble Baron (Lord Wharncliffe) but the noble Earl (the Earl of Radnor) who has distinguished himself by his support of the intended Reform, did, on a subsequent occasion, when my noble friend was repeating these sentiments declare, that the opinions expressed by my noble friend, at the head of his Majesty’s Government, would fill the country with alarm and dismay; and yet now we find that noble Earl amongst the warmest and most thorough supporters of this Bill. How little consistent with themselves, then, do we find the supporters of this measure.

\* Hansard’s Parl. Debates, vol. 1, Third Series, p. 37-38.

Another of the past declarations of the noble Earl was, that he hoped his Majesty’s Ministers would devise such gradual measures of Reform as could be carried without difficulty or danger. In 1810, his speech declared for nothing more than a gradual, temperate, and judicious Reform. In 1817, the noble Earl required nothing more than that which was gradual, temperate, and judicious—such have been uniformly the opinions that, for the last few years, he has expressed. The present question presents this remarkable difficulty—that if you make one false step, you cannot retrace it—if you make one step too much in advance, your position will be irretrievable, and you can no longer return to that wise, temperate, gradual, and judicious Reform, for which the noble Earl in times past was so warm an advocate. It is within those principles that we fortify ourselves—it is to those authorities that we refer for sanction and support. There is another authority to which I may appeal, it is that of the noble Lord who brought up this Bill from the House of Commons. His assent to our principles of a safe and sound Reform is contained in a speech of great eloquence delivered by him in the year 1819, and with which most of your Lordships are, no doubt, familiar. He speaks in these words:—‘The borough of Old Sarum existed when Somers and the great men of the revolution established our Government. Rutland sent as many Members as Yorkshire, when Hampden lost his life in defence of the Constitution. Are we then to conclude that Montesquieu praised a corrupt oligarchy—that Somers and the great men of that day expelled a King in order to set up a many-headed tyranny—that Hampden sacrificed his life for the interests of a boroughmongering faction? No! the principles of the construction of this House are pure and worthy. If we should endeavour to change them altogether, we should commit the folly of the servant in the story of Aladdin, who was deceived by the cry of “New lamps for old.”’ And further the noble Lord, after eloquently expatiating on the practical results of the system, indignantly asked—‘Shall we change an instrument which has produced effects so wonderful, for a burnished and tinsel article of modern manufacture? No, small as the remaining treasure of the Constitution is, I cannot consent to throw it into the

'wheel for the chance of obtaining a prize 'in the lottery of Constitutions.\*' Such, my Lords, was the language held by that noble Lord in 1819; and it would be beyond the powers of expression of which I am master, to paint the surprise of the noble Lord himself, and the astonishment of the other House, when a passage from that speech was read to him by a right hon. friend of mine during the discussion upon this Bill. But I turn from the noble Lord to the noble Viscount (Viscount Melbourne) the Secretary of State, who spoke in this Debate with so much eloquence, but who seemed to me to say but little about the Bill, and who made, upon a former occasion, an able and manly speech, which I can never forget. He said, amongst other things to the same effect:—'We are not sitting here to argue the question whether there be too much or too little democracy in the Constitution of the House of Commons. But yet this I will state, that although I should not do anything to diminish the democratical influence, I certainly would not do anything which could have the least tendency to increase it. In my opinion, all the advantages are already upon the side of the people.' Allow me, also, my Lords, to refer as the last, but not the least authority, to my noble and learned friend upon the Woolsack, who has this evening delighted us with his eloquence and wit. But I do not refer to the plan which he developed at the hustings during the election for Yorkshire; nor to the allusion which he made, on the day before the last dissolution of Parliament, to the plan then intended to be brought forward by my noble friend at the head of his Majesty's Government; but the speech which he delivered in the other House of Parliament at the commencement of the last Session. My noble friend then said: 'His object was not revolution but restoration; to restore the Representation to that state in which it ought to be, not to change it from what it had been: to repair, not to pull down.'† But look, my Lords, to the whole of this Bill, in which every part of the constituency is to be changed, and the formation of the House of Commons entirely re-modelled. Does it not substitute an entirely new Constitution? How, then,

let me ask, is it possible to reconcile the sentiments of my noble and learned friend, as I have quoted them, with the measure which he now supports? My noble and learned friend smiles; and, no doubt, he is thinking of that part of his speech in which he referred to Glanville's Report, in which it is stated that the common right of Representation is in the inhabitant householders. My noble friend, however, forgot to state, though I must remind your Lordships, that the doctrine my noble friend has quoted, was accompanied by this restriction, that where there exists no right by prescription, nor by Charter, then the common right is in the inhabitant householders. Can my noble and learned friend then extricate himself from the difficulty in which he is placed by the inconsistency of his support of this measure with his previous declarations? On another occasion, in the year 1810, he wrote a letter on the subject of Reform, which was published, and which I have no doubt many of your Lordships have seen. Now, I beg leave to ask him, how can he reconcile that letter with the opinions which he has this evening expressed? I shall not detain your Lordships by referring more particularly to that letter than to say, that it states that 'above all things, disfranchisement could not be Reform.'

The Lord Chancellor: I have no objection to reply to my noble friend's appeal, except this, that any use made of that letter is an encouragement to servants to steal. I have no wish to disclaim that letter, or any other act of mine done as a private individual. But I say, that the letter alluded to was stolen by a servant, and sold to a printer, and that I obtained an injunction from the Lord Chancellor of that day to prevent the circulation. My only objection to any use being made, therefore, of that letter is, that it gives countenance to a theft committed by a servant [*cries of "spoke."*] I beg that I may be allowed to say, without interruption, that I have no desire now to disclaim the opinions expressed in that letter.

Lord Lyndhurst: I never would have referred to the letter, had I been aware of the circumstance which my noble and learned friend has now explained. I assure him that I never heard of the letter until this day, when I read it in one of the newspapers; and when I referred to it, I was not aware that it had been obtained in a

\* Hansard's Parl. Deb. vol. 41, p. 1105.

† Hansard's Parl. Debates, Third Series, vol. 1, p. 55.

surreptitious manner. I was merely making use of the arguments contained in it, as authorities derived from my noble friend himself in support of my views of this Bill. I set the more value upon those authorities, because they were his opinions formed in times of calmness and deliberation. I was desirous of contrasting the opinions dispassionately formed by men of high talent with the opinions embodied in this Bill, and formed in a time of intense excitement. And I quoted these opinions of my noble friend in particular, as the best arguments I could use in answer to the attacks levelled with so much perseverance and bitterness against the opponents of this Bill. We, however, my Lords, are acting in strict conformity with the opinions of its present supporters, when they could have no motives derived either from popular excitement or the possession of office to deliver any other than a calm and unbiassed opinion. I have now said enough to show, that if this Bill, or one of a less sweeping nature, had been introduced two or three years ago by some Radical Reformer, the noble Lords themselves to whose speeches I have referred, must have opposed it; and that such a bill would, under those circumstances, and at that time, have been unanimously rejected, not only by your Lordships, but by the other House. Why then, I will ask, are we to be reproached for entertaining the opinions held by the noble Lords opposite themselves when they had time to reflect. Allow me, my Lords, to advert to one other topic. My noble friend at the head of his Majesty's Government, in the eloquent speech in which on Monday last he proposed the second reading of this Bill, referred to the manner in which it had been carried through the House of Commons. He said, with great propriety, that as it had been carried there by so large a majority, your Lordships are bound to treat it with respect. To that assertion I willingly subscribe. We are bound to treat it with deference and respect; and for my part, I have treated it so. I have given to it as much attention as possible since it first came before Parliament. But at the same time that we are bound, my Lords, to give every attention to the votes of the other House, I may be allowed to say, that we are not the less bound to look at what has been done by former Houses of Commons on that same subject. This Bill, when first introduced into the other

House, was carried only by a majority of one. Afterwards, one of its most important provisions was struck out by a majority of seven. His Majesty's Ministers were satisfied that the opinion of that House of Commons was adverse to the Bill. I may be pardoned, then, if, on a question not relating merely to the present moment, but one in which our posterity are equally interested with ourselves, I look to the votes, not only of the House of Commons which has passed this Bill, but to those of former Parliaments. This subject has been before the other House now for thirty years, and has been discussed at different periods during that time, and on all those occasions the decision of the House of Commons was unfavourable to Reform. Although, therefore, I am disposed to give all possible attention and respect to the present House of Commons, I must take into consideration what have been the votes of former Parliaments. There is another consideration which ought not to be overlooked, as to the manner in which the present House of Commons had been formed, and the circumstances under which the last elections were carried on. A dissolution had taken place, expressly with a view to this question; and I quite agree with the opinions of those noble Lords who preceded me in this Debate, and who contended for the impolicy and impropriety of that dissolution. What was the fact? I beg your Lordships to consider what was done? His Majesty's Ministers, in the name of the King, go to the people and state to them that there exists great corruption in the House of Commons, and that they (the people) are deprived of their just share of influence. Then the Ministers follow up that statement by asking the people—"Are you willing to have a greater share of political power, and to have the Legislature more immediately the instrument of your own will?" Was it possible that there could have been any other than the one answer? When the people were asked by the Ministers, in the name of the Crown, were they willing to accept a large increase of power, what other answer was to be expected than that which they had received? Are we, therefore, to be surprised that this question, put at a time of a general election, should be followed, as it was, by questions to the candidates, as to whether or not they would bind themselves to support the Bill? Are we to be surprised that the

candidates who would not so pledge themselves, were told that they were not fit for the people? But, my Lords, that was not all. In most places Committees of Inspection were formed for the purpose of seeing that the Members acted up to their pledges. The result of all this is, that the Members of the present House of Commons can scarcely be considered Members of a deliberative assembly, but delegates sent out by the people for an especial purpose. Their votes might just as well have been taken at the hustings as in their places in Parliament. Although that objection, standing by itself, may not be sufficient, yet, taken with the others which I have mentioned, it justifies me in saying, that, comparing the votes of the present House of Commons with those of former Parliaments, I am inclined to pay more deference to the votes of the Commons elected under different circumstances, and exercising the power of a deliberative assembly. We are told, moreover, that the people are excited to the highest degree—that they have set their hearts upon the Bill, and that no man can say what the consequences may be if their wishes be disappointed. Now, my Lords, no man can regret more than I do the circumstances in which we are placed. But with all respect for his Majesty's Ministers, I must say, that they are responsible for the consequences. It is by them that the storm has been raised, and on them the responsibility must fall. But we, my Lords, must not, to avoid the risk which those noble Lords have so eloquently described, agree to a law which will change the whole form of the Constitution, and substitute nothing of equal value in its stead. Allow me, my Lords, to refer to dates for an elucidation of the temper in which this Reform was introduced. The last dissolution of Parliament, consequent on his late Majesty's death, took place before the French Revolution of July, and the elections were proceeding when the news of that event was received. Up to that time the cry was all over the country for negro emancipation. But after the news arrived of the successful resistance of the military force by the people of Paris, the cry was changed, and the universal demand was for Reform. Previous to that period, the subject had lost its hold amongst the people. From 1824 to 1829, there had been no petitions respecting Parliamentary Reform; and in 1830 no

more than fourteen petitions had been presented. What did the noble Lord who brought the Bill to the Bar of the House state, when it was intimated to him that the people had ceased to care for Reform? He said, with his usual candour, that the people had become indifferent, but that his Majesty's Ministers had called upon them, and that they had responded to the call. What was the consequence? why, in the next Session, that is, during the last Parliament, there were 650 petitions presented on this subject. By means of the call of the Ministers, and the revolutions abroad, and the exertions of a factious Press, the people have been driven up to their present state of excitement. For all this, who are responsible but the Ministers of the Crown? We are entitled to call on them, armed with the power which they possess over the spirit which they have called up, to extricate us from the danger into which they have brought us. I was, I confess, in no small degree surprised to hear my noble and learned friend, the Lord Chancellor of Ireland, speak of the tranquillity with which the elections were carried on. Surely my noble friend must not have been in England at the time. He must have been in retirement in some remote part of Ireland; for never was there a time in my memory of greater violence and excitement than that of the late elections. Never shall I forget an article which at that period was published in a newspaper, which was said to be the organ of the Government, and in which the people were taught how they could most effectually annoy the candidates who should presume to offer themselves on what was called the Tory interest. Amongst those instructions there was this phrase, borrowed from the well-known orders of the Roman General to his slingers at Pharsalia—"Strike at their faces," and the advice was not lost upon the populace—witness the outrages committed at Boston, at Wigan, at Rye, and in other places throughout the kingdom. In addition to all those means of excitement, the name of the Sovereign—than whom never was there a more popular King—was used, as if he had a deep interest in the question. But my noble and learned friend (Lord Plunkett) said last night, that if this Bill were thrown out, and if his Majesty's Ministers should withdraw, there could not be found another Administration to take their place. I have a great respect, my



Lords, for my noble friends opposite, as men of great talents and sagacity; but I do not see any marks of their talents in their financial management or in their foreign policy. Does my noble friend despair that, if they retired from office, there should not be found men as capable, if not more so, of conducting the affairs of the country? It is by no means my wish that they should go out of office; but, on the contrary, I should rather prefer that they remained, to introduce and carry a more moderate measure of Reform. Give me leave to say that they would not fairly treat their Sovereign, or discharge their duty, if, under the circumstances of peril into which they have brought the country, they were to desert their post. Allow me now, my Lords, to call your attention to another point, which, even in this last stage, I think it necessary to revive. What, I ask, is the nature of our Constitution? It consists of three estates, not opposing or counteracting each other, but mutually fitted and adjusted to each other—the one estate influencing the other—the Lords influencing the Commons, the Commons the Lords, the King both Lords and Commons, and both Lords and Commons the King. What has been the result? That we have obtained a Constitution consisting of the Sovereign power, the Aristocracy, and the Democracy, so combined and blended as to form the most perfect system of government ever known in the civilized world. Such a system as the philosophical Roman historian tells us is, indeed, to be desired, but can seldom be hoped for; and, if obtained, can hardly be of long duration. Let us be cautious, then, how we abandon or even hazard it. What is the object of the present Bill? It is to make, not a slight alteration in the most important and influential of the three estates, but to make an entire change in the persons who are to elect, and consequently an entire change also in the persons to be elected. The object is, to give a greater degree of power and preponderance to one estate—to destroy the nice balance now existing, and in this respect to give us a new Constitution. Whether hereafter we may be able, by any fortuitous combination of circumstances, again to adjust the balance, is a secret yet hidden in the womb of time. It has been said by some noble Lords in the course of the Debates, that the Bill is most aristocratical; others—and those some of the wisest

and ablest patrons of the Bill—admit it to be democratical; and the utmost they can say in its favour is, that they hope it will work well; but that it is possible only to ascertain its effect by experience. Then, I ask, having such a Constitution as we possess—serving all its purposes so well, will you risk it upon an untried experiment, which may be fatal, and, if fatal, utterly irretrievable? We have heard something of the theory of our Constitution—from what is that theory formed? From its practice. Our Constitution is not the work of a day; it has been built by time, and we have been most fortunate in its construction. When persons draw a supposed theory from our Constitution, they invert the order of things, and hence the extravagance of their projects. What is the reason that the growth of our Constitution has uniformly failed when transplanted to other countries? This—that the supposed theory of that Constitution has been made the basis of the new experiment. The new Constitution did not resemble our own, but the Bill upon the Table, which is to be its substitute. A noble friend of mine, while in Naples, was consulted by Joachim Murat on the subject of a new Constitution, and his reply was, “Constitutions cannot be made—they are the growth of time;” and his reply not being sufficiently understood, he wrote an explanatory letter to a Neapolitan nobleman, containing the following passage, which most eloquently and beautifully expresses the sentiments I would convey. ‘Constitutions cannot be created nor transplanted: they are the growth of time, not the invention of individuals. To attempt to form a perfect system of government, depending upon reverence and experience, is as absurd as to attempt to build a dream.’ I do not mean to say that the constitution of the House of Commons is perfect or not liable to objection; but I do mean to say, that it has existed in the form in which we now see it for the last 150 or 200 years, and in that period it has undergone no material change. Some boroughs may have declined and others increased in population, but it is substantially the same, as is established even by the language of the passage frequently quoted from Lord Clarendon, as well as by the works of many other writers who existed about his time. When we say, therefore, that we will restore the Constitution to its purity, it is quite clear that we must go further

back than the Revolution ; and will any man pretend to tell me that, anterior to the last 150 or 200 years, any model of a House of Commons existed justifying the present Bill ? The right hon. member for Knaresborough (Sir J. Mackintosh), in the work he has recently published, says, that in the earliest periods of our parliamentary history, some of the smallest places returned Representatives, and that the right of voting was infinitely diversified. Then, I ask, was there less influence at that date ? Everybody knows, that the Crown then continually interposed to procure the return of Members. Instances may be quoted as far back as the reign of Edward 3rd, when the Crown actually nominated the Members for all the boroughs in the kingdom ; and it can be established, that in other instances the Privy Council exercised the same power. I am not justifying that exercise ; I am only showing that you cannot look to those ancient periods for an example of a pure and uninfluenced House of Commons. Individuals also exercised direct influence, and of this fact it is needless to refer to proof, for is it to be supposed that noblemen living in Appleby or Warwick or Arundel Castles, would not command the elections in those boroughs ? But it is not necessary to rely on general reasoning upon this point—many instances of such interference are incidentally mentioned, and must be well known to your Lordships. The Marquis of Winchester, for instance, nominated one of the Members for Lyme ; the Bishop of Exeter returned one Member for that city ; the Representatives for Gatton were chosen by a single individual ; and in the well-known case of Aylesbury a female nominated both the Members. To refer, then, to remote times of our history for purity and independence of elections, is extravagantly absurd and ludicrous. Further than that, I ask you, my Lords, to look at the abject state of the House of Commons at former periods, and ask yourselves what has the House of Commons done during the last 200 years that we are warranted in thus cashiering it ? Is it necessary that I should enter into details on this part of the subject ? Noble Lords must run before me in matters of history of this kind. Our popular historian has shown us the power uncontrolledly exercised in former times by the Crown and its advisers. What change has been effected, and by what means ? It has been brought about by

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the exertions of that very House of Commons which is now to be destroyed. The capricious authority of the King and his Ministers has been curbed by the persevering resistance of the House of Commons, and a system of civil liberty has been established, such as is enjoyed by no other country on the face of the globe. Has anything recently occurred in the other House of Parliament to warrant this great change in its construction ? In the old time was there more intelligence, more purity, more honour, more independence, more activity and exertion, than during the last fifty years ? My noble friends opposite came into office on pledges of retrenchment, economy, improvements in the law, and of promoting even perfection in the administration of every branch of the public service. Have they redeemed their pledges ? What has been the result of their desire to promote economy ? They found when they took the Seals of Office, that economy and retrenchment had been carried by their predecessors to the utmost extent. If they have not gone further, it has not been for want of support by the House of Commons. It was supposed that the military force of the kingdom was too large ; the House of Commons has shown a disposition to reduce it, but Ministers found it absolutely necessary to increase it. Then as to the Penal Code. My noble friend on the Woolsack, with great zeal and activity, has endeavoured to mitigate its severity ; and my right hon. friend in the other House (Sir R. Peel) brought in several bills to effect this desirable object. They found in the House of Commons no indisposition to second them. I ask your Lordships, then, most seriously, what is there in the conduct of the other House of Parliament, in the manner in which it has watched over the public interests, which calls for the great change contemplated by this Bill ? Allow me now, for a short time, to advert to that single specimen of legislation. It is said, that as we acquiesce in the principle of the Bill we ought to consent to the second reading. I deny that any noble Lord on this side of the House has acquiesced in the principle. We subscribe to the object of the measure, which is Reform, but not to the principle of the Bill which is made to carry it into effect. The noble Earl has given us very clearly to understand, that if we go into the Committee we shall not be permitted to alter the Bill substantially, although he modified his expression after-

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wards. Mark what took place in the other House, and from thence we may judge of what we shall be allowed to do here; but suppose we did make important changes in the Bill, what would the House of Commons say? We should be then obliged to have a free conference, and the two branches of the Legislature would be brought into collision and contest. I should undoubtedly deplore those consequences, because they would be much more fatal than any that can result from our not consenting to read the Bill a second time. Every man must foresee the infinite inconveniences which would grow out of such a state of things. But to return to the principle of the measure. In my opinion the principle of such a Bill ought to be enfranchisement; the principle of this is disfranchisement. You disfranchise places returning 157 Members, and then you are at a loss to know what to do with the vacancies. Of the thirty-five you are utterly at a loss how to dispose; and here I request your Lordships to mark this circumstance also. Of the thirty-five it is intended that five shall be given to Scotland and five more to Ireland. I will venture to say, that a more mischievous project never entered into the mind of man; for what would be the effect of it? A contract with express and clear stipulations, has been agreed upon and settled between Scotland and England, and between Ireland and England. By this Bill the compact will be broken, and there will be an end of the treaties on which the Unions are founded. What, then, will the Reformers of Ireland say? They will tell us that they have not their fair share of Representatives—that they have a population of seven or eight millions, and only 100 Members, while Great Britain, with a population of 12,000,000, has 558 Members. The very foundation of this Bill is population, and, for the sake of carrying it into effect, certain arbitrary lines have been drawn of 2,000, 4,000, 6,000, 10,000, and 20,000 inhabitants. We have heard and seen many speeches upon the Bill, but we have never either seen or heard any reason assigned for these arbitrary distinctions. The cases of Horsham, Calne, Guildford, Dorchester, and many others, show that they have been productive of the most crying injustice. I do not mean to impute any improper intention to the framers of the Bill; but certainly there has been, to say the least of it, something unfortunate in

the results of the lines drawn by Ministers. Suppose we were to establish this new Constitution, can it last—can it endure? At present we rest upon prescription—upon long usage; and let us beware how we break down a system so established. Here we are forming a new establishment, and its inequality is evident, from a comparison of the population of Malton and Huddersfield; yet the former is to retain its two Members, and the latter, though so much larger, is to have only one. Besides, let me observe, we are entitled to have some reasons shewn to justify us in assenting to this general and sweeping disfranchisement. It was truly said by my noble and learned friend (Lord Eldon), that the elective franchise was a trust, coupled with an interest. I do not say that these are equal to pecuniary interests, but they are acknowledged by the law to be of a most valuable description. The office of Earl Marshal is a trust coupled with an interest; it is a valuable privilege, of which the possessor cannot be deprived without an Act of the Legislature; and that Act cannot be passed without an assignable cause or a gross violation of justice. This particular franchise of electing Representatives, Lord Holt, speaking of the infringement of it, calls a “transcendent privilege.” Are we not, then, entitled to require some reason why all this has been done—some justification of so extensive a confiscation of valuable and important rights and privileges? In defence of the clauses for the disfranchisement, noble Lords have said, that the privilege has been abused. But if that abuse has been universal, the disfranchisement ought to be so; yet the rights of the existing electors are to be preserved. It is impossible, therefore, to allege the abuse as the justification for this partial disfranchisement. But if these rights have been abused so as to justify their being put an end to, by whom have they been abused? By the very individuals whose rights are saved under this Bill. And let me ask what is the proposed substitute for the old, and, as it is called, corrupt constituency? The right of voting in 10<sup>l</sup>. householders, the worst species of franchise which your Lordships can establish. What, according to the present practice, is the worst species of Representation? That of scot-and-lot voters, who bear the closest analogy to the right now proposed to be introduced by this Bill. It has been said by a noble

Marquis, that the 10*l*. householders embrace all above that sum, and do not form a low constituency; but the returns show that this is an error, for the majority of voters will be persons who pay only from 10*l*. to 20*l*. per annum for their houses. The great feature of this Bill is this new right of voting. What confidence can you have in the measure, when you see this uniform right of voting substituted for that varied constituency which we before possessed? Again, according to the present law, all the interests in the country are represented. That was the result of a long experience, which it is impossible by any one act of a hasty Legislature to equal in the creation of any artificial system. The want thus created was felt so strongly in the other House of Parliament, that a warm friend of the measure—a warm Reformer—considering how the colonial interest would be affected, proposed a clause to give Representatives to the colonies, and that proposal was debated for one night. The evil was not denied, but the remedy was said to be impracticable. The noble Lord at the head of the Colonial Department endeavoured to obviate this objection, and he referred to the Representatives of Hull. It was an unfortunate selection of the place, because the persons elected there are not peculiarly connected with the colonial interest. A noble Lord admitted he had no solution for another difficulty, that of finding a place in the House of Commons for the King's Ministers; yet we are called on to consent to the second reading of a Bill full of difficulties, and encountered by forcible objections to which its framers see no solution. There is another point of importance. Among certain persons, I know that gentlemen connected with the profession of the law are not regarded as persons of great importance; but, my Lords, in times of trouble and danger, this opinion, at all times mistaken, becomes doubly erroneous. There are few men in such times who are so important—active agitators, keen intelligent men, prepared for an active life by previous habits and education; by what means have you secured for them an entrance into the House of Commons? None. But then they will become agitators—they will excite public feeling, and make extravagant promises, in order to secure themselves a share in the Representation. These active, intelligent, and ambitious men will necessarily, therefore,

throw themselves into the democratic scale, and make the contest between that interest and all the other interests of the State fearfully decisive. I have now touched a few of these difficulties, but these are vain and insignificant when compared with the aggregate of the composition of the Bill. From the first time at which I looked at it, the point that occurred to me was, what will be the composition of the new House of Commons? You will strike off 157 Members from the present House of Commons, and how do you dispose of the vacant places? You give sixty-five to counties, and fifty to the large populous towns of the empire, to be elected by the constituency I have already described. I ask you, whether by this arrangement you do not throw an enormous weight into the democratic part of the Constitution? Recollect what that constituency consists of; see who are now the favourite candidates at popular places. This change takes away nearly fifty Members; it makes a difference of 100; for fifty are taken from the close boroughs, and fifty added to the populous towns. In the same manner thirty-five are taken from small boroughs, and altogether, therefore, the difference amounts to 135. The change is one of a most important nature. That, however, is not all. The noble Duke, in his speech the other night, pointed out the result with respect to Scotland—he showed, and I agree with him, that the greater part of the conservative system of Parliament has been destroyed by this Bill. Let me add the result with respect to Ireland. That is an important point. Out of 100 Members returned for Ireland, what is the proportion of Catholics and supporters of the Catholics? At least three-fourths. That number, therefore, are, or will be agitators; and when you add this to what I have already pointed out, your Lordships will believe that the noble Duke's description was nearly correct, when he said that this Bill would constitute a fierce democratic assembly. In my view of the matter, this change creates a great and most important difference. I know the House of Commons. I have served a long apprenticeship in it—I know that it is often unmanageable; but if those who are conversant with the House of Commons will advert to the change to which I refer, they will agree with me in saying, that it will be a most unmanageable democratic body, and that by adopting

this measure, we shall alike endanger the Crown and the Constitution. On this view of these circumstances, I say, that whatever name the Government choose to give to this Bill, it is in fact and in substance a revolutionary measure. It will endanger the Constitution itself. To the monarchical institutions of the country I have been attached, both by habit and education. I do not wish for a change that might affect the rights and privileges of the Crown, nor for one which will bring about a republic, or a republic in the shape of a limited monarchy. Republics are tyrannical and vicious, arbitrary and cruel, and unsteady. I do not charge the Ministers with having introduced this Bill for the purpose of subverting our form of Government; but such will be its effect. I ask again, what will be the consequence with respect to Ireland, with respect to the Church of Ireland—will it stand? The Protestant Church of Ireland is supported by persons who form but a small portion of the people there, but they possess political power, most of the power, the wealth, and the intelligence of the country, and by those means they have been enabled to stand against the Catholics. The effect of this Bill will be, to transfer that power to the Catholics. Many of those who advocate Reform may consider that as an argument in its favour, but we are bound by the terms of the Union to maintain the Protestant Church of Ireland, and because I have the feeling that we are strictly bound to do this, I cannot give my assent to this measure. Observe, too, my Lords, the proof of what I say. Before this Bill was introduced, there was a loud cry for the Repeal of the Union; but the moment this Bill was promulgated, that cry at once ceased. The noble Lord says, that subsequent to this Bill the cry for the Repeal of the Union has been silenced, and that we have not a single petition on the subject. Does my noble friend, who knows mankind so well, suffer himself to be deceived by this? A calm appears to have been produced, but although the storm has ceased to rage, and the agitation has subsided, you can detect, from time to time, the underworkings with a precision and certainty that are infallible. The noble Earl at the head of the Government says, give largely, in order that the people may not want more. That is a most extraordinary mode of proceeding. Are men so little interested in the extending of their

own power, that they will cease to grasp at any thing more when they have the means of effecting their own wishes in their own hands? But, though the noble Earl may be mistaken on this point, the Reformers do not disguise the matter. The noble Earl proposes to open the door to their wishes. He is ready to throw open the floodgates that will admit the torrent of democratic power. That torrent will rush in and overpower him. The noble Lord on the Woolsack, with his activity and power, may, for a time, float upon the tide, and play his gambols on the surface; but the least check will overturn him, and he will sink beneath the waves. But is this the last step with respect to Reform in the House of Commons? On the ground of ancient usages, you could fight the battle; but now, with them taken from you, your resistance will be in vain. The Ballot has been talked of, and on one occasion, a learned gentleman, who is a candidate for Leeds, was asked whether he would support it. He answered, that at present his Majesty's Ministers did not approve of it, and, therefore, he could not engage to support it, though I must admit that his arguments in favour of the Ballot were the best I ever read, and his conviction openly expressed that it was a good regulation. That is his answer now; but when this Bill shall have passed, how will he be able to answer it? He, undoubtedly, will be, in a reformed Parliament, an active instrument for introducing and supporting it. The Church in Ireland will be one of the first of the aims of the Reformers for they say, that they do not ask for Reform for the sake of Reform, but for the sake of the consequences. What are the consequences? The abolition of tithes, and remember, my Lords, that lawyers of some eminence have lately told us, that they ought to be diverted from their present, and revert to their original purposes. The next point is that of the funded property. It is said that there must be an immense reduction of taxation, and that reduction can only take place in a manner inconsistent with the rights of the public creditor. It is said in plain terms, that there must be an equitable adjustment, which means a gross injustice to the public creditor. The Corn-laws, our colonial possessions, all will be attacked in the Reformed Parliament. Who, I ask, is the first candidate for Manchester? Mr. Cobbett, a gentleman of extreme talent and power, who has stated his views

to the people of that town, and who tells them that he will not suffer himself to be returned unless they consent to agree in his views, which they seem likely to do, as they still support him. He is a political writer of great power, and by whom is he supported? By a noble Earl who sits opposite to me, whose talents I admire, and whose talents all of us have very recently had occasion to admire, but I more than many others, because I have been acquainted with them by their frequent exhibition in the other House of Parliament. What does that noble Lord say? He writes a letter to Mr. Cobbett's committee, recommends Mr. Cobbett to their choice, and states he concurs in the views of Mr. Cobbett. Now, what are the views of Mr. Cobbett? The noble Lord refers to the Norfolk Petition, which was drawn by Mr. Cobbett, which states his principles, and to which the noble Lord says he entirely subscribes. In that petition he proposes the reduction of the National Debt, an equitable adjustment, which, in other words, is a flagrant breach of the public faith. I do not quarrel with the noble Earl; I do not mention these things as a matter of charge against him, he has a right to his opinions, and I am sure he is sincere in them; but I will not consent to constitute a House of Commons, which shall lead to the pursuit of such objects, the support of which, by men of talent and character, and rank and station, such as distinguish the noble Earl, fills me, I confess, with the most serious apprehension and alarm; and I foresee, in this and other similar circumstances, consequences likely to result from this measure, which it is impossible for me to deprecate in terms sufficiently strong. But, it is said, we must pass this Bill. We have been threatened with the consequences which will result from our refusal. Out of doors we have been menaced in every variety of form—in the hypocritical shape of friendly advice contained in anonymous pamphlets, and in the most undisguised and virulent language of the daily and weekly press. The cry of the seventeenth century, of malignant and rotten-hearted Lords, has been revived and appeals have even been made to the soldiers. It is true that the supporters of the Bill in this House have not made use of the language of menace, but the noble Earl at the head of his Majesty's Government, and the noble and learned Lord on

the Woolsack, have conveyed the impression in allusions as sufficiently and intelligibly strong, and in a manner as forcible as if terms of menace had been employed. My Lords, I owe the situation I have the honour of holding in this House to the gracious kindness of my late Sovereign—a monarch largely endowed with great and princely qualities. I cannot boast of an illustrious descent—I have sprung from the people. I am proud of being thus associated with the descendants of those illustrious names which have shed lustre upon the history of our country. But if I thought that your Lordships were capable of being influenced by the unworthy measures that have been resorted to, and that you could from such motives be induced to swerve from the discharge of your duty on this important occasion, when everything valuable in our institutions is at stake, I should be ashamed of this dignity, and take refuge from it in the comparative obscurity of private life, rather than mix with men so unmindful of the obligations imposed upon them by their high station and illustrious birth. We are placed here, my Lords, not to pass Vestry Acts or Road Bills, but for the purpose of guarding against any rash result from the act of the advisers of the Crown, and against the wishes of the people when they might lead to destruction. I say, my Lords, I fear not the threats with which we are menaced. The people of England are noble and generous. If they think that we have not done our duty, but have deserted it from base, personal, or selfish motives, they would turn from the contemplation of our conduct with disgust. On the other hand, whatever may be their inclinations, and however vehement their desires, if they see that we honestly perform our duty, be our decision what it may, they will receive it with approbation and applause. I believe that in what has been said respecting the public feeling there is much exaggeration. I do not speak of the mere multitude—but of the enlightened portion of the community. And I am convinced that if they were satisfied that if from any base personal motives, we neglected to do what in our conscience we conceived to be our duty, they would turn from us with contempt and disgust. My Lords, I am satisfied, too, that whatever may be the conclusion to which we come—if we perform our duty according to our own view of it

—although that should be contrary to their inclination, they will abstain from all violence. If, on the contrary, we should by one vote this night give the people reason to suppose that, contrary to the dictates of our consciences, and what we believe to be our duty, we, urged by unworthy motives, should decide in favour of the Bill, our titles, our possessions, and the liberties of the people would all be forfeited, and we should be for ever debased. Perilous as is the situation in which we are placed, it is, at the same time, a proud one—the eyes of the country are anxiously turned upon us, and if we decide as becomes us, we shall merit the eternal gratitude of every friend of the Constitution and of the British empire.

Lord *Holland* rose amidst cries of “Question.” He entreated the indulgence of their Lordships, observing, that he was not going to make a speech. But the noble Lord who had just sat down, had thought proper to pass a sneer and a sarcasm upon him, because, in presenting the petitions of the people of England, he had ventured to remark, that they applied to their Lordships to pass this Bill, and did not mention Vote by Ballot or Universal Suffrage. If the noble Lord had any advantage over him by sneering at his innocence and simplicity—

Lord *Lyndhurst* rose, apparently for the purpose of offering some explanatory remark, but was interrupted by several noble Lords, who vociferously called “Order!” Considerable tumult prevailed for several minutes.

Lord *Kenyon* rose to order, and said, that when a noble Lord rose with the intention of calling any other noble Lord to order—if he was himself out of order, it was quite competent to any other noble Lord to call him to order.

Earl *Grey* observed, that the noble Lord who had just risen appeared to have totally mistaken the matter. His noble friend (Lord *Holland*) was not speaking to order—he had not yet spoken in the course of the Debate, and he had a right to reply to an insinuation or sarcasm made, he thought, not in a very courteous manner. His noble friend had a right to justify himself, and to answer an insinuation which had been thrown out against him. He had also a right to speak upon the whole question, not having yet spoken. Therefore, as it had come to his (Earl *Grey*’s) turn to speak to order, he would

desire that his noble friend might, according to the orders of the House, be heard without interruption, and that, if any noble Lord should afterwards wish to answer his noble friend, or make any observations upon what he should say, he might also be heard.

This was followed by a general cry of “Lord *Holland*.”

Lord *Holland*: My Lords, I did not rise to speak to order, but if you insist upon my speaking to order, I have a right to be heard now; for having been called to order by the noble Lord (*Kenyon*) I have a right, by the rules of the House, to speak in preference to any other Peer. Let it, however, be understood, that I did not rise to speak to order, but I threw myself upon your Lordships’ indulgence to bear with me while I made an answer to a personal attack which has been made upon me by the noble and learned Lord. I now again ask that indulgence which I never in the whole course of my parliamentary career heard refused to any Peer who asked it. I request, then, that I may not again be interrupted by any noble Lord, and especially by the noble and learned Lord who will be allowed, I have no doubt, to speak after me if he please. I say, then, that the noble and learned Lord has thought proper to indulge—in a manner perfectly parliamentary, I admit—in a sneer and sarcasm at what he is pleased to call my innocence in remarking that petitions which I presented prayed for the Bill, and said nothing about Vote by Ballot; and the noble and learned Lord asked me, if I were simple enough to believe the petitioners. Now if there were any wit or advantage in that sarcasm, I leave the noble Lord in the full possession of both. I tell him plainly, that I do believe the petitioners, and that I do not suspect them of insincerity. I am in the habit of speaking what I think, and nothing more than what I think; and I am in the habit also of believing that others do the same, except when, from facts that are obvious, and from observations which I cannot be mistaken in, I am convinced that a person is neither speaking all he thinks, nor what he thinks; and I tell the noble and learned Lord that I have seen and heard such a person. I repeat, that I am simple and foolish enough to believe the people of England, and not to suspect them of a mean and pitiful deception, and I do trust that your Lord-

ships will leave the noble and learned Lord in the sole enjoyment of his witty, and perhaps clever discernment, and share with me in the folly and simplicity of believing that the people are not so base as the noble and learned Lord thinks he has discovered them to be.

Lord *Lyndhurst* said, he did not by any means intend to suggest the inference which the noble Lord drew from what he had said. He might have expressed his sentiments in a manner which displeased the noble Lord; but that noble Lord was the last man to whom he should be disposed to say any thing disrespectful.

Lord *Tenterden* rose, and said, that he felt it necessary to address a very few sentiments to their Lordships upon this important question. Many topics had occurred to his mind with respect to the Bill now before their Lordships, and the arguments which he had heard in favour of it, which he thought he could with propriety offer to their Lordships. But he found that all those topics had been urged with so much more force and ability than he could bring to the task, that he should forbear entering upon them. There was, however, one point, and one alone, upon which he would beg leave to address a few words to their Lordships; and, indeed, it was not so much in his character of a Peer, although it was only in that character that he had a right to speak, as in the character of which the robes he wore reminded him, that he desired to address their Lordships. He found that the rights of almost all the corporate bodies in England, whether they were held by charter or prescription, were treated by this Bill, so far as he saw, with absolute contempt, and that many of them were to be annihilated and abrogated, while others were to be despoiled of their privileges. He had listened in vain for any sufficient reasons for the extent to which these measures were carried—or, if it were intended only to transfer from some decayed parts of the constituency their privileges to other more sound, more numerous, and more healthy parts, which he believed in his conscience was all that was desired by all the reasonable classes of his Majesty's subjects—by the middle classes, for whom he entertained as great a respect as any man—he ought to tell their Lordships, that he entertained a respect and affection for those classes, since he was sprung from them; but, instead of such a reasonable and moderate

measure, reconcileable with the institutions of the country, he found one going infinitely beyond what any man had ever expected, and carrying the principle further than could ever have been anticipated. And upon what footing was this Bill put? Upon the footing of expediency. Now, he would ask, was it expedient? Expediency was a tyrant. It was the plausible pretext for every act of injustice. But what particularly called upon him to address these few words to their Lordships was this:—If they passed this Bill into a law, it would establish a precedent of future argument for the annihilation of all other rights. He did not say that such arguments would be just, but they would be as plausible as any arguments of expediency which had been put forth on this Bill. He held himself, in the situation which he unworthily filled, peculiarly bound to uphold the chartered rights of the people. This would go to subvert those rights, and upon that principle, though not for that reason alone, he felt bound to dissent from the measure.

The Archbishop of *Canterbury* said, it was his intention to have addressed their Lordships at an earlier hour this evening, and if he had had an opportunity of doing so, he would, as he greatly desired to have entered into a full statement of the reasons which imposed upon him the painful necessity of opposing a measure which came before that House with the strong recommendation of his Majesty's Government, and which had been carried by a majority of the House of Commons. But having been disappointed in that wish, he hoped, after the splendid display of argument and of eloquence which they had heard in the course of the Debate, that he should be considered as acting most properly, both to their Lordships and to himself, if he trespassed on their attention as briefly as possible at that very late hour. He meant to confine himself to a few words, and he would not trouble the House even with these, if he did not deem it necessary, in justice to himself, to state his opinions and feeling on the general subject of Reform. Most sincerely as he admired our happy Constitution, still he did not carry his veneration so far as not to allow that it had its defects and anomalies; neither had he such a strong predilection for things as they were as not to think that improvement was desirable and might be effected. Whatever abuse or corruption had crept



into the Constitution, by neglect or by vicious practice, he was anxious to correct by safe and constitutional remedies. To a Reform synonymous with the extermination of abuses, and the restoration of the excellencies of the Constitution, he professed himself a sincere friend, and amongst the right reverend Prelates who sat on the bench near him, he did not believe there was a single individual who did not concur with him in that sentiment. He had heard, with great satisfaction, in the course of this Debate, the opinions delivered by noble Lords in opposition to this Bill, because they had declared that their opposition was directed, not against the principle of the Bill, or the general principle of Reform, and they had expressed their willingness to accede to a measure of gradual, temperate, and safe Reform. In that sentiment he entirely concurred with them. He could not help indulging a hope, that the result of this discussion might be an union of men of all parties, having the same great object in view—the good of their country, and that, thus uniting, they would prepare some measure for the consideration of Parliament, so cautiously worded as to tranquillize the fears of those who dreaded agitation, and, at the same time, sufficiently efficient to satisfy the friends of the Constitution, who, while they desired to have its excellencies preserved and its blemishes removed, were unwilling to try an experiment so extensive as that which was now proposed. Some persons might think that a notion of this kind was chimerical and futile. He was not of that opinion; he thought that, on each side, feelings and prejudices might be sacrificed; and in proportion to those sacrifices—in proportion as the question was relieved from the asperities and difficulties which surrounded it—in that proportion would those who adopted that wise and temperate course command and receive the gratitude of the country. He would only add, in conclusion, that, if it were their Lordships' pleasure to pass this Bill, he should sincerely rejoice, and no man more so than himself, if the apprehensions which he entertained of its effects should turn out to be groundless. If, on the other hand, their Lordships threw out this measure, and popular violence, which he did not expect, should unfortunately follow, he would be content to bear his share in the general calamity; but, in either case, he should have this consola-

tion, during the few remaining years he had to live, that in the course which he had taken, he was actuated by no sinister motives, but that he had opposed the Bill because he thought that it was mischievous in its tendency, and would be extremely dangerous to the fabric of the Constitution.

The Duke of *Sussex* rose amidst loud cries of "Question!" The illustrious Duke said, I rise under great disadvantages—fatigued by a long and serious attention to the Debate, not only of this night, but also of the five last nights upon the important question which is now under the consideration of your Lordships—[*signs of impatience*]. I really must claim the courtesy of noble Lords. I do not intrude on their attention on common occasions; it is only on great constitutional questions, when I conceive the rights and liberties of the people to be concerned, when it is my duty to give a conscientious vote, that I claim their indulgence to listen to the humble opinion of an individual who discusses a question conscientiously, according to what he feels to be his duty. I state, my Lords, that I come before you under peculiar disadvantages. I believe all the talent that is concentrated in this House has expressed its opinion upon this important question; and that a humble man like myself should be forced to be one of the last speakers, exhausted by the fatigue of the proceedings, is a great disadvantage, independent of my want of abilities to discharge that duty, which I am so anxious to perform to the country and to myself. I have been alluded to particularly by a noble Baron on the other side of the House, who courteously addressed his arguments to me, and by another noble and learned Baron in the course of the evening; and having those opinions addressed to myself, so far as an individual is concerned, I wish to answer the points which have been applied particularly to me. The noble and learned Baron, in stating the principle of the origin of seats in the lower House of Parliament, was correct in his first statement; but the noble and learned Baron must allow me to add, that I do not think in his statement he has argued correctly or fairly. I am using the terms in no invidious sense; but I heard the same remark mooted by a noble and learned Lord, who formerly held the situation now filled by my noble and

learned friend, who stated to me an opinion from which I historically differ. If I have any idea of the origin of the introduction of the lower House of Parliament, I conceive that it originated at a time when there was much less knowledge than there is now; and when the Crown conceived, as the noble and learned Lord stated, that by the appointment of these boroughs it might check the power of the Barons. That I grant—but where is the difference? It is not for me to enter into the details. That power which the Crown intended as a balance to the Aristocracy might by circumstances—by lavish grants from the Crown itself—by the Reformation—and by the Revolution—have passed from the hands to which it was consigned into those which would extend the interests of the Crown. The House of Commons, I think, my Lords was raised up by the Crown, as a balance against the power of the Aristocracy; but the power of the Crown has for many reasons, become much less since that period. I impute no undue motives to the noble Lords who oppose this Bill. I certainly have party feelings, but those feelings do not prevent me from respecting those who differ from me. But, my Lords, what is the nature of this Bill? Your Lordships have received from the House of Commons a Bill, which they submit to your consideration. In favour of that Bill numberless petitions have been presented; and I say, therefore, that the Bill is in conformity with the opinions of the people. It has been the fashion with some noble Lords to treat the people with disrespect. I can not agree with the noble Lords in that sentiment. I know the people better than many of your Lordships do. My situation, my habits of life, my connection with many charitable institutions, and other circumstances on which I do not now wish to enter minutely, give me the means of knowing them. I am in the habit of talking with them from the highest to the lowest. I believe they have confidence in me, and that they tell me their honest sentiments; and my firm conviction, arising from the strong feeling which I have heard expressed on this subject, is, that it is absolutely necessary that this Bill should be adopted, to meet the improved condition of the people. I wish to give your Lordships a description of these individuals, for many noble Lords are not acquainted with their habits and pursuits. I have gone to the mechanics' societies, I have visited their

institutions, and seen their libraries. At Nottingham they have a library that would do credit to the house of any nobleman; they have every kind of books, historical and philosophical; in short, they possess an abundance of those works which are calculated to instruct the mind and improve the heart. Now, have not these men as good judgment as your Lordships?—And if they have, have they not a just right to use it? Let me add to this, when we are talking of classes of society, that I have every respect for the nobility of the country. No man can have a greater respect than I have for the claims of rank; but at the same time your Lordships must allow me to say, that education ennobles more than anything else, and when I find the people increasing in knowledge and wealth, I should be glad to know why they ought not, also, to rise in the ranks of society. As they increase in affluence and knowledge, will they not perceive that they have a claim to greater rights, and is it not natural that they should endeavour by every means in their power to attain them? Without meaning any disrespect to the noble and learned Chief Justice, who, in a manner that did him honour, stated to your Lordships that he had emanated from the middle class of society, I ask him, and I ask your Lordships generally, whether it is wise, when you can turn the wealth and knowledge of that class to the benefit of the State, to take a different course; to prevent it from having a fair share in the Representation of the country, and thus to turn that which ought to be a national advantage, into a source of evil, which must retard the general interest and prosperity of the country? We have been told of the French Revolution, and of other foreign transactions, as having created the present feeling in the public mind. If I were to use an expression which, perhaps, is not very courteous in this House, but which, nevertheless, is strong and comprehensive, I should say that this is a mere humbug. We are too sensible in this country to take political fashions from the French. Our Constitution is too good to induce the people to take a leaf out of the mushroom constitution of France. We may have our faults—we may have our vanity; but I am sure the good sense of the people of this country will never suffer them to forget the origin of our institutions, and while they look to that they will never go wrong—they may reno-

vate, but will never impair the Constitution. How particular boroughs, which it is the object of this Bill to disfranchise, got into the hands of noble Peers I do not pretend to say; but this I will say, that they have no right to them. It is a ground from which I will not depart—that however these noble Peers came into the possession of these boroughs, the time has now arrived when they ought no longer to be allowed to retain them. I certainly am less interested in matters of this kind than other noble Lords, because I have no property of that sort. But notwithstanding that fact, I must be allowed to say, that belonging to the Aristocracy of the country, when an odium is cast upon that Aristocracy, I, as a member of it, must bear my share of it; therefore, as one concerned, but not interested, I think I have a right to require that the cause of that odium should be removed. As I said before, the people of this country have too much good sense to be induced to take a leaf out of the French constitution. In the year 1792 I differed most materially upon this point with several noble Peers, who went over from the party to which I had the honour to belong, under the impression that the people of England would follow the example of the people of France. I confess that, at that time, although I was a very young man, I felt much surprised at the conduct of those noble Lords, because I could not conceive how an English Peer could, for one moment, rank himself with the Peers of France under the old *regime*. In England our Aristocracy is independent—its privileges are acknowledged—its duties are plainly marked out—it stands between the people and the Crown, invested by the Constitution with the sacred charge of maintaining the prerogative of the one, and protecting the just rights and privileges of the other. The Aristocracy of France was of a totally different character. I will undertake to say, that very few of the old French *noblesse* had an income of more than 2,000*l.* a-year; and that was principally derived from honorary situations about the Court; so that the merit of their fidelity to their Sovereign consisted in their not being able to live without him. We, however, are an independent body; and when we do justice to the people, as I am sure we shall do, by giving our sanction to this measure for the amendment of the Representation, I have no doubt but that

they will perceive, and acknowledge with joy, the kindly feelings which we have manifested towards them. Whether this Bill be carried this day remains with your Lordships; but if it do not, something else assuredly will pass—something else, perhaps, which may not be so palatable, because it will be introduced under less advantageous terms. That is what I wish to avoid; and I say this with a thorough conviction, that the vote which I am about to give this night is one of vital importance—one in which my character, as a member of the Royal Family, and a Peer of England, is deeply implicated. A noble and learned Earl, whom I have always respected, although I have always differed from him upon politics, has observed, that the Constitution would be subverted by this measure; that it would undo what had been effected by the Revolution which placed my family upon the Throne, and that it would place that family in jeopardy. I deny that statement; I deny it with all possible respect to the noble and learned Earl. My family came to the Throne on the principles of the Revolution—on the principle of a full, free, and fair Representation of the people. My Lords, I take my stand on that ground, and on that ground I shall vote in favour of this Bill. I regret that others, with whom I am personally connected, do not take the same view of the subject that I do; but I have no doubt that they have seriously weighed and considered their opinion. For my own part I have, from my earliest life, been a Reformer; and until I see the Constitution improved, I will continue to be a Reformer. But unless the object is attained by constitutional means, and not by acts of violence, anxious though I am to carry the question, I shall feel it to be my duty to support that Government which is ready to put down what can only be viewed as an attack upon Government itself. I shall, therefore, if this Bill be thrown out, as perhaps it will be, say to the people—“Receive the decision with submission—you must ultimately succeed; but if you trust to violence, your cause will be thrown back. The object you seek is enlightened and rational, and you must not hope to carry it by any other than enlightened and rational means—you must not, and cannot hope to carry any thing by the violence of the mob.” My Lords, I have already stated, that I am acquainted with the con-

struction and internal machinery of many of the Mechanics' Institutions in the country. I have stated that the extension of these institutions through the country, is a proof of the growing spirit of intelligence amongst the great mass of the community; but, my Lords, not only do the people devote much of their leisure hours in acquiring information in these institutions, but I am given to understand, that in many parts of the country, it is quite a common thing for men to be employed to read to the others while they are engaged at work. My Lords, let us take into consideration, that the great portion of the funded property of the country is in the hands of the middling classes. From a document which I hold in my hand, it appears, that out of 274,000 fundholders, there are 264,000 with incomes of less than 100*l.* a-year. Let us now look to the means of information which the people possess, and the rapidity with which intelligence may now be conveyed from the metropolis to every part of the United Kingdom, by means of the Press. This will be evident, when I state the fact, that there are sent from London, weekly, and circulated through the country, not less than 191,500 newspapers, besides the circulation of about 270 provincial newspapers. Will any of your Lordships tell me, that with this information at their command, the people will not use it? Will you tell me that they will not read—that they will not think? My Lords, I repeat, that the people are hourly becoming more and more intelligent. Your Lordships have not now to deal with an ignorant, or unintelligent body of men; you have to deal with men who are well instructed, intelligent, well-conducted, peaceable, and orderly; who know their rights, and who will not be prevented from asserting them—aye, and from obtaining them, too, if they only adopt constitutional means. Knowing that the people are becoming more and more intelligent, I would earnestly call upon your Lordships to pause before you reject a measure on which they are now, I may say, unanimous. I feel, from the circumstances I have stated, that I am under an obligation to vote for the second reading of this Bill, because I am convinced that, in doing so, I vote for that which will add to the prosperity, and secure the tranquillity, order, and peace of the country. My Lords, I deeply lament that many of your Lordships differ from me on this occasion,

but I owe it to my God and my country, thus to state candidly and fairly my reasons for supporting a measure in which in my conscience I firmly believe that the prosperity of the country is involved.

The Duke of Gloucester said, in one point he agreed with many noble Lords who had preceded him. He should be glad to see a safe and constitutional measure brought in, for the correction of such defects as might, from length of time, have crept into the frame of the Constitution. If such a measure were brought in, it should receive his most cordial support. But as the present was not a measure of that nature, he must vote against it. He did not think that the Bill proposed was a measure of Reform; it was, in fact, a totally new Constitution. As he looked upon it to be a most dangerous and mischievous measure—a measure that would lead to the ruin of all their most valued institutions, he should give his most decided vote against the second reading.

The Marquis of Hastings said, he believed the desire for Reform was very general among all classes throughout the country. This he thought was sufficiently shown by the numbers of petitions, praying for the measure, which had been presented to the House. He would not go into the details, for he felt the Committee was the proper place to discuss them, and he, therefore, should vote for the second reading of the Bill, as he fully believed some measure of Reform was necessary.

The Earl of Harewood said, he observed that during the whole Debate, when any sentiment was uttered by noble Lords on that (the Opposition) side of the House, which indicated a friendly feeling towards a certain degree of Reform, such an indication of opinion was received with that sort of cheering which showed that noble Lords opposite doubted the sincerity of the statement. Now he was a Reformer, but he did not think, though a Reformer, that the Reform of this Bill was necessary to remedy the evils under which the country now suffered. He should be disposed to carry his principles of Reform to the extension of the elective franchise to great commercial and manufacturing places, but that was no reason why he should support an entire change of which no man could see the end. Whatever might be the result of this night's division, he hoped that in any future measure which should be introduced, Ministers would take a tone

somewhat less high than that which they had at present adopted. There would be less difficulty in carrying such a measure.

Lord *Barham* supported the Bill, and contended, amidst frequent cries of "Question," that their Lordships were called upon in duty to pass a measure which had come before them so sanctioned and supported. He fully concurred with the illustrious Duke, that those noble Lords who had possessed themselves of that to which, by the Constitution, they had no right, were bound, by every principle of religion and morality, to relinquish it. He would offer one word of counsel to his noble friends (the Bishops), from whom it pained him to differ. It grieved him to see them ranged, as it were, under the banners of corruption. He could not conceive why men who professed religion and morality in private life, should depart from the principles of both on public questions. He therefore earnestly hoped that those who sincerely professed religion, would make that religion their law on this occasion, and sanction a measure which would tend to support moral as well as political purity.

Earl *Grey*.<sup>\*</sup>—Considering the exhausted state in which I find myself at this advanced hour of the morning, and considering, still more, the exhaustion which most of your Lordships must feel, it is not my intention to trespass at any great length on your Lordships' time. I cannot but regret my present state of feebleness at a moment when I have so much need of more strength than I ever possessed. Such strength would be required to enable me to follow the whole of the speech of the noble and learned Lord opposite. I was prepared to expect an expression of dissent from the noble and learned Lord, and I feel deeply all the disadvantages which the opposition of the noble and learned Lord must entail upon a question, which I, with him, consider as one of vital importance. Much as I must, on this account, regret that the weight of the noble and learned Lord's high authority should be opposed to me, I regret still more the tone and spirit in which that opposition has been made. For this, I own, I was not prepared—I did not expect the bitter, acrimonious, and virulent attack on the persons of his Majesty's Ministers, and on the whole course of their policy, foreign

and domestic, in which the noble and learned Lord has chosen to indulge. The noble and learned Lord, not content with attacking the Bill, has entered into a review of the whole conduct of the Government for the purpose of condemning it; and this he has done in no very measured terms. No part of our policy has escaped his objections, and the whole object of his speech seemed to be to shew, that the present Administration was not suited to the country, and yet, after all this, the noble and learned Lord has expressed a wish that, whatever be the result of this Bill, the present Administration should not resign. Not only has the noble and learned Lord indulged in general objections to the policy of Government, but he has, with careful industry, raked up and collected opinions and speeches of mine, amongst those of others, also members of the Government, and this he has done in order to place our conduct in the most invidious view before the public. Like a noble Earl who, on a former evening, began his objections to the Bill in terms of great personal courtesy to me, the noble and learned Lord also began his objections in very courteous language.

The noble Earl (Earl Carnarvon) to whom I have alluded, felt it necessary to state the grounds on which he withdrew his support from the present Administration, though he knows well that I have at all times professed precisely the same opinions on the subject of Reform which I now entertain and profess. However much I may regret the loss of the noble Lord's support, I have one great consolation—namely, that I have not forfeited that support by any change in my principles. Much as I regret the charges of my noble friend, they do not surprise me, for it has often happened to me, to find great personal compliments made the prelude to great severity of attack. Of this I now find an additional instance. The noble Lord, beginning his speech with great compliments to me, proceeded to indulge freely in condemnation—in sneers, and in sarcasms, at what he was pleased to consider inconsistencies. He has read an extract from a speech of mine, in which he considered that I expressed opinions different from those which I now entertain. That extract I will now read again to your Lordships. It runs thus:—"I, therefore, am ready to declare my determination to abide by the sentiments I have before expressed; and

<sup>\*</sup> From the corrected edition, published by Ridgeway.

'that I am now, as I was formerly, the advocate of a temperate, gradual, judicious correction of those defects which time has introduced, and of those abuses in the Constitution of the other House of Parliament, which give most scandal to the public, at the same time that they furnish designing men with a pretext for inflaming the minds of the multitude, only to mislead them from their true interest. To such a system I am a decided friend—whenever it shall be brought forward, from me it shall receive an anxious and sincere support. But as I never have, so I never will, rest my ideas of salutary Reform on the grounds of theoretic perfection.\*

My Lords, the speech which I delivered on that occasion was published, though not by me or with my authority, in a more authentic shape than is usual, and I am ready to abide by the sentiments contained in the passage which I have quoted. Allusion has been made to the Society of the Friends of the People, in the proceedings of which I took a part. There was nothing in the proceedings of that Society—nothing in the part I took—at all inconsistent with that which I now take on the measure before your Lordships. I would refer your Lordships for a moment to a letter published by that Society on the 10th of May, 1792, which, with your Lordships' leave, I will now read. It was signed by my noble friend (the Duke of Bedford) then Lord Russell:

*"May 12th, 1792.*

"We profess not to entertain a wish that the great plans of public benefit which Mr. Paine has so powerfully recommended, should be carried into effect; nor to amuse our fellow-citizens with the magnificent promise of obtaining for them the rights of the people in their full extent. The indefinite language of elusion, by opening unbounded prospects of political adventure, tends to destroy that public opinion which is the support of all true governments, and to excite a spirit of innovation of which no wisdom can foresee the effect, or skill divert the course. We view man as he is—the creature of habit as well as of reason. We think it, therefore, our bounden duty to propose no extreme changes, which, however specious in theory, can never be accomplished without violence, nor attempted without endangering some of the most inestimable advantages we enjoy. We are convinced that the people bear a fixed attachment to the happy form of our Government, and to the

genuine principles of our Constitution; these we cherish, as the objects of such attention—not from any implicit reverence or habitual superstition—but as institutions best calculated to produce the happiness of man in civil society; and it is because we are convinced that abuses are undermining and corrupting them, that we have associated for the preservation of those principles. We wish to reform the Constitution, because we wish to preserve it."

We concluded by declining all further intercourse in these words:

"We must beg to leave to decline all future intercourse with a Society whose views and objects as far as we can collect them from the various resolutions and proceedings which have been published, we cannot help regarding as irreconcilable with those real interests on which we profess to inform and enlighten the people."

These are the opinions which I then expressed—these are the principles upon which I this day act. I wish to reform the Constitution, because I wish to preserve it, I wish for a correction of abuses, to give increased purity and vigour to the Representation, and by these means to restore the character of Parliament and regain the confidence of the people. These, I say, are the principles which I have uniformly professed, and which are the guides and directors of my conduct this day. But might it not have been very possible, that in the year 1810, when the speech which the noble Earl has alluded to was made, I might have thought advisable a less Reform than that which has now become necessary. Might it not have been possible, too, if a smaller Reform had at that time been adopted, that it might have obviated the necessity of the larger Reform which I now propose. After a lapse of twenty years, then, during which the abuses of which I complained, and which it was my object to remedy in the year 1810, have had time to strengthen and to take a deeper root, is there any inconsistency in my proposing now a stronger and a larger measure than I thought necessary to restore the purity of Parliament at that period? Where justice is delayed, does it not happen, in almost every instance, that more extensive measures are ultimately necessary than would have been sufficient if early concession had been made? And are those, who, having advocated milder means of correction at first, afterwards deem it necessary, from change of circumstances, to adopt stronger, to be liable to the charge of inconsistency

\* Hansard's Parl. Debates, vol. xvii, p. 560.

of conduct? If it be so, my Lords, I know not which of us can escape the charge.

At the commencement of the discussion of the Catholic claims, it was proposed to give to the Crown the *veto* on the appointment of Bishops as a security for a measure of concession. To this condition I was then a friend, as likely to afford the means of conciliation and success. The Bishops themselves consented to it, and there is no doubt, that at that time, though subject to this condition, a measure of relief would have been thankfully accepted; but was there afterwards anything inconsistent in my conduct, because under different circumstances, and when long-suffering and frequent disappointments had irritated the minds of the Catholics, and made this proposed security so odious to them, that they would have rejected with indignation any measure with this accompaniment—was it, I say, any proof of inconsistency that I then proposed, and supported when it was proposed by the noble Duke, a measure of relief without any such condition? When the Roman Catholic Relief Bill of 1828 was proposed, the state of Ireland was widely different from what it was when that measure was first brought into discussion; and after a lapse of years I felt that the effect of the condition which I had formerly supported would be to destroy the benefits which the measure was otherwise calculated to confer. For that reason I abandoned my former opinion, and assented to concession in its fullest sense. Was there anything, I again ask, inconsistent in this? But above all, is it the noble Lord who is qualified to call me to account upon the score of inconsistency? Upon this very Question of Parliamentary Reform, were his opinions never different from those which he has this night supported? But on the Catholic Question—not as to the mode—not as to the degree—but as to the whole policy and principle of the measure, were not his opinions directly adverse to it? Were not his most strenuous efforts used to defeat it? And yet at the end of two short years he became its most powerful advocate and supporter. I do not impute it to him as blame that he changed his opinion upon that Question; neither do I impute it as blame to the noble Duke that he changed his; on the contrary, I join with those who express their gratitude to the noble Duke for carrying that great and healing measure of policy, and justice,

and conciliation, and peace, though I must regret, that, by his and the noble Lord's opposition, it had been so long delayed, as greatly to impair its beneficial effects.

But can your Lordships have forgotten the noble Lord's celebrated speech in the House of Commons, in reply to an hon. Gentleman now no more, in which he deprecated the concession of the Catholic claims, as subversive of the Constitution, and destructive of the Established Church in Ireland? When the noble Lord, therefore, charges me with inconsistency, I would recommend him to remember the speech which he made on that occasion—a speech in which he endeavoured to support the strongest assertions by arguments precisely the same as those with which, on the present occasion, he has endeavoured to alarm the consciences of your Lordships. What was the noble Lord's conduct on a subsequent occasion? He appeared in this House the supporter of the very measure which, in the Commons, he had so strongly denounced. I heard the eloquent and able speech which he made on that occasion. I was gratified at it as developing a measure which came up to all that I had ever wished upon the subject; but I admired it, particularly, for the boldness with which the noble Lord, throwing aside all his former arguments, and repudiating his former opinions, adopted at once to their fullest extent, and enforced as the result of his settled conviction, all the reasonings which either I, or others of far greater ability than me, had ever urged in favour of that measure of relief, which the Government most beneficially, but alas, too tardily, had, at last, determined to support. But I should apologize to your Lordships for this digression from the subject immediately under your consideration. I could not abstain from making it, because I think that the noble Lord, after his own conduct upon the Catholic Question, is the last man in the world who has any right to make an attack upon the King's Government, upon the score of inconsistency. I now proceed to what has occurred on the present occasion.

The noble Lord says, that I made an attack upon the noble Duke, and the Administration of which he was the head. I deny that I did anything of the kind. I stated historically—and it was necessary for me to do so—the circumstances under which the noble Duke and his colleagues

retired from office. In doing this, I meant to pass no censure upon his conduct. I wished merely to state the facts. It is not necessary for me to describe what were the circumstances of the country at the commencement of the late Session of Parliament. They have to-night been too forcibly stated by another, to render any repetition of them necessary from me; but every one must be aware of the situation of difficulty and danger in which we were then involved. It was then that I stated my opinions in favour of Reform—qualified, I admit, as the noble Lord has stated, and as I am prepared to qualify them now. The noble Duke made a contrary statement; but will the noble and learned Lord tell me, that he was not himself considerably alarmed at the state of the country at that time?—that he did not deeply regret the declaration of the noble Duke?—that he did not himself feel, from the circumstances which then existed, and which I could have had no share in producing, that it was necessary to look to the Question of Reform? The noble Duke, however, made his declaration against all Reform whatever; and shortly afterwards his Government fell—fell without an attack. I was leagued with no party whatever against it, but it fell without an attack in consequence of its being opposed to the general sense of the country, and of its internal weakness—and this event was connected, as I think, but as the noble Duke denies, with the great Question of Parliamentary Reform.

The French Revolution occurring at the very period that the general elections in England were going on, it was owing to this circumstance, says the noble Duke, that a feeling in favour of Reform was then revived; that it was not this, says the noble Duke, but the loss of the Question on the Civil List in the House of Commons that occasioned his resignation. Finding that he had not the confidence of the House of Commons, he retired from office, in order to avoid the embarrassment of the Question of Reform, which was to be brought on in the course of a very few days. That being the noble Duke's statement, I must consider, notwithstanding his declaration to the contrary, that his resignation was in some degree connected with the Question of Reform.

The Duke of Wellington: I repeat, that Parliamentary Reform had nothing to do with my resignation. The noble Earl may

surmise what he pleases. I will say no more upon the subject, except again, and for the last time, to tell the House, that I did not resign on account of Parliamentary Reform.

Earl Grey: Then I do not know what was the cause of the noble Duke's resignation. He certainly stated, last night, that one of his motives was to avoid the embarrassment of the anticipated discussion on the Question of Reform. What other circumstance was there that could have operated so powerfully upon his mind as to induce him to retire from office? That he had lost the confidence of the House of Commons. Was there anything in the debate on the division upon the Civil List, taken abstractedly, and in reference to no other question, which could form an inducement to any Ministry to resign? Surely the question of whether the Civil List should, or should not, be referred to the consideration of a Select Committee, was not of sufficient importance to produce so sudden and so unexpected an effect. In the previous Session the noble Duke was obliged to retract or give up measures at least of equal importance, and yet he retained his power. I do not allude to this with any view of giving personal offence to the noble Duke: nothing can be further from my intention. From the noble Duke I have experienced acts of great personal kindness, which I am not a man to forget. I wish only to state the facts that attended the change of Government which then took place. The noble Duke resigned, and I was appointed, most unworthily, by favour of a too indulgent master, to succeed him. But I felt it to be necessary to make the power of bringing forward a measure of Reform an indispensable condition of my acceptance of office. Was this done with the false motive of maintaining a consistency with my former opinions, because I had once professed them? God forbid that I should ever act under such an influence, or that I should shrink from abandoning opinions which I had once maintained, when convinced that they could no longer be acted on with safety. No, my Lords, it was from no such unworthy feeling that I took up this question, but because I felt that it could no longer be avoided without infinite and incalculable danger. The abuses which had crept into the system of the Representation were more strongly felt than at any former period—the confidence



of the people was estranged from Parliament—the voice of complaint became daily more loud and more appalling—and under these circumstances, in conformity with an opinion which I had expressed but three weeks before, when I had no expectation of office, I could not withdraw myself from the duty of proposing the measure which appears to me to be necessary for the cure of all these evils. But then, says a noble Earl, we are responsible for all the excitement that has followed. I deny the charge *in toto*. I say that the excitement which has prevailed since we have been in office existed before; that it was the cause, and not the consequence, of our being called to the Government, and of the measures which we thought it our duty to propose. But then this excitement, it seems, has been restrained; it was restrained, I say, by the satisfaction which the measure of Reform afforded. But no, says the noble Earl, these are false appearances—it is only a delusive calm, which those who look to certain results have produced for the better attainment of their destructive purposes, which aim at nothing less than the overthrow of our ancient institutions. But does any body believe that the feelings of a whole people can be so controlled, can be awakened, roused, excited, and then again suddenly silenced, by any individuals, or any combination of individuals, more especially of men whose purpose is contention, and whose means civil violence and commotion? I, for one, cannot believe in the possibility of such a state of things; but if such were the dangers, and such the designs to which we were exposed, granting for a moment what I totally deny, I am still prepared to defend the course his Majesty's Government has taken. Granting all this, I contend, that to embody the sound part of the community against the violent and disaffected, if such there be, the first and most effectual step was to unite them, by re-establishing their confidence in the Government, for which purpose it was necessary to convince them, by a substantial measure of Reform, that the abuses which they complained of would be corrected. I may be in error—I may be imprudent; but I ask the noble Earl opposite, what earthly object I could have in bringing forward a measure to produce excitement? Is it generally the object of a Government to produce excitement? I am past the age when men from mere gaiety of heart,

from youthful vanity, or pride of place, reckless of consequences, do not fear to set all the elements of political contention in motion. I love my ease as much as other men, and must I not have been the most short-sighted of men, if I had not foreseen all the difficulties, all the ill-will which I should have to encounter from a conduct opposed to long-established prejudices, and to interests threatened with destruction?

I appeal to your Lordships' candour—I appeal to your good sense—whether it is possible that I could have any wish to expose myself to such embarrassment, and whether, seeing all these difficulties before me, I could be led to brave them by anything short of an imperious sense of duty? Man is subject to error—and I, perhaps, more than most other men; but it could be from no other motive than a sincere belief that it was necessary for the public tranquillity and safety that this measure of Reform was proposed. It has now for some time been under the consideration of Parliament; its opponents have described it as revolutionary, violent, destructive of the settled institutions of the State, subversive of the Aristocracy, and dangerous to the Crown; I trust it will not be found to deserve that character.

The noble and learned Lord has stated that we never gave any reason for introducing it; that in the Speech from the Throne he could collect nothing which led him to expect such a measure as this. The Speech at the opening of the present Parliament recommended to the attention of the House a measure of Reform which should support the just prerogative of the Crown, the privileges of both Houses of Parliament, and the rights and liberties of the people. This was what his Majesty proposed, by the advice of his Ministers, in his Speech from the Throne; and the noble and learned Lord has done me justice in saying, that I have never alluded to that Speech but in the sense of its being the speech of the King's Ministers. But does this measure, or does it not, coincide with the expressions contained in his Majesty's speech? That is the question which we have to determine. In considering a measure of Reform, neither I nor my colleagues were actuated by any other motive than a sincere desire to preserve those ancient and valuable institutions by which the prosperity of this country has been promoted, to a degree seldom, if ever,

attained by any other nation. We had no other desire than to propose a measure which should effect the objects described in the Speech from the Throne. Now is this measure, or is it not, well calculated to support the interests of the Crown, the Aristocracy, and the people, or is it deserving of all the reprobation which the noble Lord opposite has fixed upon it?

No man is more sensible than I am myself of my incompetency and frequent failure in effecting that which I attempt. I certainly endeavoured to explain the grounds upon which his Majesty's Government deemed this measure necessary. I said that it was on account of the defective and abusive state of the Representation, and of the discontent consequent upon it. I stated that I thought those abuses which had excited complaints so loud and so general were in themselves indefensible, and that their removal was absolutely necessary, to restore public confidence, and to insure to the Government the strength and security which, without that support, it never could obtain. These, I think, were sufficient grounds upon which to propose a measure of this kind. Then comes the question—is the measure calculated to produce this salutary effect? Is it, or is it not, conducive to the support of the Crown, consistent with the privileges of this House, and necessary for securing the rights of the people? I answer, in the almost unanimous voice of the people of England, that it is felt by them to be pregnant with all these advantages. They are now awaiting, in anxious expectation, the result of to-night's Debate—looking to the success of the measure as necessary to the peace and prosperity of the country, and dreading its rejection as likely to lead to evils which I will not attempt to describe, lest it should be said that I am endeavouring to control the free opinion of the House by intimidation. Then, what is the character of the measure? In proposing it, I stated that we had no desire but to perform our duty. The noble Lord says, that the opposition to it has been disinterested. I give the noble Lords opposite as much credit for sincerity in opposing as we had in proposing the measure.

It is said, that there are only six Peers opposite who possess nomination-boroughs. I think, however, that merely looking along the benches opposite, I can see more than that number. I have put

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down in this manner twenty-one proprietors, or patrons, as they are sometimes called, of boroughs. I do not mean to say, that the votes of those noble Lords are influenced by the possession of such nominations; but does that make the fact of their existence less unconstitutional? Many of the opponents of this measure have stated that they feel the necessity of Reform. I believe the great majority do, although I do not know whether I may include the noble Duke. In the early part of the last Session, the noble Duke certainly declared himself opposed to all Reform; and even in the case of East Retford, when I stated the necessity of Reform, he denied that such necessity existed. The noble Duke said, only last November, that he considered the existing system of Representation so perfect, that he had no hope of improving it, and that if he had to form a new system, he should propose something as similar as possible to that under which the Representatives of the people were then returned to Parliament.

But this statement, it is said, was made by the noble Duke solely in his capacity of a Minister of the Crown, and that, having left office he is now no longer bound to it. If that be the case, I hope that his opinions upon the question of Reform may undergo as complete a change as they did upon the measure of Catholic Emancipation, and that he may hereafter propose or support some bill, which at least will allow to the people of England a better Representation in the House of Commons than that which they now possess. The distinction taken by the noble Duke between his duty as a Minister of the Crown, and the duties which he has to discharge as an individual Member of the House, was adverted to by the noble Marquis who sits near me, in the very able and powerful speech which he delivered a few nights ago; and I confess that I am myself incapable of comprehending it. It is a distinction which I never heard of before; and I should have thought that the duty of a Minister of the Crown, upon any great national question, would be pretty similar to that of a private Member of the Legislature. Both are equally bound to do what may appear best for the public interest and safety. What was the noble Duke's conduct on the Catholic Question? Did he then resort to any such distinction? It was argued that the ad-

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mission of Catholics to the full enjoyment of the privileges of the Constitution, was contrary to the established policy of our forefathers, and subversive of the securities of the Protestant Church. Did the noble Duke then think that he was bound, as a Minister of the Crown, to resist a change, from which destructive consequences were so confidently predicted? No, my Lords, his policy was more rational, and withal more safe. The conviction being forced upon his mind, that the Government could no longer be conducted on the old principle of exclusion, he came forward himself to propose that great measure of peace and conciliation, which he had till that time opposed. I vindicated him at the time from the charges that were made against him on this account. I now repeat, that he is entitled to the lasting gratitude of his country for having done what was prescribed to him by his duty, both as a Member of the Legislature and as a Minister of the Crown; and I am not without hopes of living to see the noble Duke abandoning the untenable doctrines which he has put forward in this Debate, and cherishing the adoption of Reform, called for by the public voice, and by an almost unanimous expression of public opinion.

But to proceed; we found ourselves under the necessity of proposing a measure, upon which, as we thought, men's opinions were much united. I speak not of the opinions of the mob, but of the middle classes—of the great mass of intelligence and property throughout the country, whose opinions, I maintain, are decidedly in favour of this measure. But we are told that the state of public feeling and of public opinion is the result of agitation; and it was said by the noble Earl—from whom, I confess, I was much surprised to hear such a sentiment—that the people are not qualified to form a correct judgment upon such matters. What! not qualified to form an opinion, or to draw a correct conclusion upon a question which concerns them so nearly? I must say, that amidst the present diffusion of knowledge, such an assertion is an insult upon the people of England. That they cannot understand paradoxes—that they cannot understand the new, and curious, and ingenious system of morals which justifies the purchase and sale of nomination boroughs—and the theory by which it is maintained that these boroughs are a ne-

cessary part of the Constitution; that they cannot understand, when they are told it is their right to be fully and freely Represented in Parliament, that this means that Peers and others are to have the power of appointing Members to sit in the House of Commons—that the people of England cannot understand this I am ready to admit; but I must make this apology for them, that Locke, and Blackstone and Saville, and Pitt, and Fox, laboured under the same incapacity, and that these, and many other great men, were as little able to understand as the body of the people of England, whom the noble Earl would exclude from the right of deliberating on this subject—what is now declared to be part and parcel of the Constitution of the country. I think the people of England, then, may be excused if they are as ignorant, as incapable of seeing the advantage of venal and dependent boroughs, as the high authorities which I have cited. I maintain that no Reform can be satisfactory to the people which does not strike deep at the extirpation of nomination boroughs. The system, however, was upheld by a noble and learned Lord, who spoke early in the Debate, and who, in defence of nomination, said, that there was an absolute necessity for its existence, as the Government of the country could not, by possibility, be carried on without it. In point of fact, then, while he justifies these corrupt boroughs, the noble and learned Lord condemns a government which, according to his argument, can only be carried on by corrupt, and, as I contend, by unconstitutional means.

Above all too, the noble and learned Lord appeals to the right reverend bench on my left, as the guardians of public morals, to resist a measure which establishes a system of Representation in smaller boroughs, consisting of 200 or 300 voters each, as of all others the most corrupt, and, as a remedy for this, to maintain this system of nomination. I also appeal to those right reverend Lords, as guardians of the public morals, and I ask them, whether they are prepared to support the principle, that evil may be done, that good may come of it? Will they support a system founded in hypocrisy, falsehood and fraud—the unavoidable concomitants of the practice of nominating Members of Parliament, by Peers, and others, to be returned by those

boroughs which it is now proposed to disfranchise)—as a necessary part of the Constitution? Will they admit the money-changers into the temple, and resist any measure to dislodge them? Will they confirm by their vote the pollution, by which the sacred edifice of the Constitution is desecrated, as necessary to its support? These are principles of morals, as well as of politics, which I feel confident the right reverend Prelates will not maintain. The system which it is the object of this Bill to correct, is an eye-sore—a blot—a blemish; it is worse, it is a rankling and a consuming ulcer, which, if allowed to continue, will eventually spread gangrene through the whole body of the State. Not to carry the principle of disfranchisement too far, we have had recourse to an expedient, by which we thought we could save some portion of the less corrupt of the close boroughs: This is one of the points upon which we have been most attacked, and I confess I have always thought it the weakest part of our case. The real remedy, however, would only make it worse in the eyes of the noble Lords opposite, by making the disfranchisement more extensive.

In the first place, we are told that we have taken a wrong principle in looking to population instead of property as the test of Representation. That objection has been so fully argued and explained by my noble and learned friend upon the Woolsack, that I am unwilling to say one word more upon it. I must repeat, however, that we do not take population alone as the basis of Representation—we take it only as *prima facie* evidence of wealth and importance. Where there is great population there is generally wealth—therefore where there is population, according to the noble Lord's own argument, there should be Representation. We found many populous places in England, the seats of commerce and of manufacture, returning no Representatives to Parliament; we also found many places in which there were few inhabitants, in which there were no interests to represent, and in which it was impossible to form a constituency, returning two Members to Parliament; these we determined to disfranchise. But not to proceed too far, we allowed all places in which, according to the provisions of the Bill, a constituency of 300 qualified persons could be found, to retain their franchise.

But, says the noble Earl who spoke on the second night of the Debate, is there anything so corrupt in any part of the Representative system as the boroughs in which there are from 300 to 400 electors? Let him look to schedule B, and he will find that the boroughs there enumerated are those in which the exercise of the elective franchise, as it existed before this Bill, was the most objectionable. I admit, as I have already stated, that this has always appeared to me to be the weakest part of the measure; but, unless we carried the principle of disfranchisement much further, it could not be avoided. It is true, that the Representation derived from these boroughs is not so desirable as could be wished. We made it the best we could; and we, at the same time, gave Representatives to the large towns—to that, I think, much objection has not been raised; and we added to the Representation of the counties.

It has been said that, by this Bill, we propose to overturn all existing rights. In answer to that I state, that the right of voting in counties is left the same with respect to freeholders, and that the franchise is extended to copyholders; and, by an amendment in the House of Commons, to leaseholders—also paying a certain amount of rent.

In the next place, as to the charges that have been brought against his Majesty's Ministers, with respect to Corporations, and which have been designated in another place as corporation robbery, I have only to say, in reply, that there is not a corporation in the country that will be deprived by this Bill of any right whatever, except of the privilege of voting for Members of Parliament. Even this right will be preserved to every member of every corporation in the country, for the lives of the present possessors, as well as to those who are in possession of an inchoate right, which it depends upon them to establish. It was obvious that, under the present system of voting in corporations, numerous abuses existed; and although it was not thought expedient to deprive any of the present possessors of the elective franchise, yet it was considered most desirable that a different constituency, better guarded against abuse and corruption, should be provided for the future.

I do not think that any one who has considered the subject, and who has looked to the condition of a large portion of the

present voters in many of the corporations, can object to the abolition of the system of granting the franchise exclusively to the freemen of those bodies, when at the same time, care is taken to preserve all existing rights. I think that we shall do well to abolish this right of voting, which, whatever it may formerly have been, is not now a system best adapted to represent the feelings and interests of the more intelligent and respectable classes. It is notorious that in many places, the freemen are taken from the very lowest classes, most exposed to corruption, and, in innumerable cases, are not enabled to exercise their franchise till they have taken out their freedom, the expense being paid, which is in itself a bribe, by the candidate for whom they are to vote. After the best consideration, therefore, that we could give to the subject, his Majesty's Ministers determined to recommend that a new constituency should be framed, on the basis of property, the right of voting being confined to the *bonâ fide* occupiers of houses of the value of 10*l.* a-year. I believe I may say that nearly all those best qualified to give a correct opinion on the subject, have come to the determination that by these means, a respectable and intelligent constituency will be formed, and will be an adequate Representation of the interests of all classes. It has been urged by some persons that this qualification is too high, and will exclude many respectable persons in the smaller country towns from the right of voting, which they ought to possess. On the other hand, however, very many have stated, and in particular the noble Lord opposite, who dwelt on this part of the measure at great length, that the qualification is too low, and will not afford an adequate representation to property. I am ready to admit that our first intention was to form the new constituency of the occupiers of houses of 20*l.* rental. But we found on an inquiry that the constituency would be so narrow and confined in many of the country towns, that the large body of the householders would be excluded.

To make a distinction in the qualification in great and small towns, seemed on many accounts objectionable. The present arrangement, therefore, was proposed, and it is my sincere belief, that it will be found to operate beneficially if adopted. It will embrace the great mass of the property and intelligence of the country,

without descending too low—even the freemen of corporations, against whose disfranchisement so much declamation has been used, will find themselves restored under another qualification as householders, to the right of voting. To this extension of the right of voting the people look with an anxious hope, and the last and first great advantage which I expect from it, that in giving general satisfaction, it will afford the means of successfully resisting more dangerous and more extensive changes.

These, my Lords, are the grounds upon which we proceeded on this point. But it has been said, that this Bill will lead to Universal Suffrage, and will, to use the language of the noble Duke—introduce a fierce democracy into the Constitution. In the first place, as to the numbers that will be entitled to vote, I believe the noble Duke will be found to be completely mistaken. Even in the largest towns, where the right will be most extensive, I do not believe the number of voters, under the regulations which are provided in the Bill for the management of elections, will be found to be inconvenient or dangerous. But when the noble Duke fears that the measure will produce almost Universal Suffrage, and will destroy any influence that the landed interest may possess, I refer him for an answer to the noble Baron (Wharnccliffe) who sits near him. That noble Lord told us, that the pretended right of a 10*l.* qualification was a cheat and a delusion—that it was an attempt to gain the people by false pretences—that occupiers to the value of 10*l.* would not gain the right of voting, which was so clogged and frittered by the various provisions of the Bill, that it would, in fact, require the possession of 15*l.* or even 20*l.* or 30*l.* to ensure to them the enjoyment of this right. The right, therefore, so far from threatening the inundation of a fierce democracy, is, according to the noble Baron, so restricted, that it can be exercised by none who do not possess property considerably above the proposed qualification of the Bill. This statement of his noble friend will, I trust in some degree remove the fears of the fierce democracy entertained by the noble Duke.

The noble Lord, in his usual off-hand way of doing business, has been pleased to say, that he would have given at once a 10*l.* qualification, unembarrassed with the conditions which tend to restrict or to de-

feat it. I do not dispute the large and liberal ideas of the noble Lord; and, if we have taken the narrower view, which, not very consistently with his general objections, the noble Lord now makes the object of his censure, it has been in order to prevent fraud—to secure the purity of election against false and fictitious votes, and to make the new right, one proceeding from the real and *bond fide* possession of a 10*l.* qualification. He says, we have changed our opinions on this subject. I have already stated the change that took place with respect to a more limited franchise. Whatever other changes have taken place have been occasioned by our anxiety to give full effect to the spirit and intention of the Bill, to guard against abuse and fraud, and to establish a real and substantial constituency. It is true, that in making provisions for this purpose, we have sometimes found that effects would be produced contrary to our intentions. In such cases we revised our measure; and is there any shame in this? I believe it has been for the first time exacted from Ministers, in a measure so extensive and complicated as this, that it should be at once produced in a complete and perfect shape, and that any alterations which further consideration and discussion might show to be necessary, should be imputed to them as a reproach.

In referring to the returns already made by the Commissioners proposed to be appointed under this Bill, it will be found that the constituent body in many places is not nearly so large as might be anticipated. I am ready to admit that the Commissioners have been sent to many places where their attention will be required, without the authority of Parliament, with a view to expedite matters, and to facilitate the arrangements which must be made before this Bill can be carried into effect. These gentlemen have been sent to different places on the responsibility of Government, and the result of their inquiries appears to me to be most satisfactory. It appears from one of the Reports that I have received, that there are 12,000 persons who would be entitled to vote at Manchester; but from this number a considerable deduction—almost amounting to one-fourth—is to be made. In the largest of the new London boroughs—I mean Marylebone and Pancras—according to the returns, there are 26,000 houses; but the number of voters, after making the

necessary deduction, will be very greatly reduced—to the amount of one-third at least. From the same inquiries, it seems reasonable also to conclude, that the numbers in the districts of Finsbury and the Tower Hamlets will not much, if at all, exceed 13,000—a number which some may think too large, but which does not appear to me to threaten any very serious inconvenience.

It is not true that the landed interests and the Aristocracy will be injured by granting the privilege to return Members to these great and important towns. Surely it has not been forgotten that a great addition has been made to the number of Members hereafter to be returned by the counties. Supposing that the right of Representation, including the most important commercial and manufacturing towns, should produce the return only of Members connected with those interests, it would not give them a greater degree of influence than they ought to possess. But from the experience we have in Liverpool, in Newcastle, in Hull, where Representation now exists, has it been found to be so confined?—or in Westminster, in Southwark, and other populous places, as well as in those above-mentioned, have not persons eminent for political distinction, or connected with these places by great possessions in the neighbourhood, been actually the Members returned?

I deny, therefore, that these changes will have the effect of injuring the landed interest, strengthened as it will be by the addition made to the county Representation. Nor can I admit that the destruction of the nomination boroughs will have the effect of generally injuring that interest. I endeavoured to shew, when I addressed your Lordships in opening this Debate, that the influence arising from this corrupt source was not possessed generally either by the Aristocracy or the landed interest. The odium arising from it falls upon them, but the advantage is confined to a few, and by them so used as to be anything rather than conducive to the general interest of the body to which they belong. Be this, however, as it may, when the abuses of such a system have been generally exposed, is it possible to maintain it? In removing the odium of such a system, and introducing another, in which the legitimate influence of rank, and property, and intelligence will have their due weight, this Bill affords the most

effectual security to those interests which it is alleged to destroy. This, perhaps, more than any other part of the Bill has given general satisfaction. An almost universal feeling appears to prevail, that the disfranchisement of these boroughs was necessary to relieve the Constitution from the corruption which is undermining the government, and to restore to it an effective and healthy administration. It has been said, indeed, that by these boroughs an adequate Representation is secured to all the various interests of the community; that by these means the merchants, manufacturers, and fundholders, obtained seats in the Legislature, and thus prevented the inconvenience which might otherwise have arisen from Manchester, or Birmingham, or Leeds not being directly Represented in the House of Commons.

It surely cannot be necessary in the present day to dwell upon the advantages of direct Representation, and to contend for the right of the people to choose for themselves the Representatives by whom their interests, whether they be agricultural, manufacturing, or commercial, are to be protected. It would be adding insult to injury, to tell them that this right was of no consequence to them, because it was amply supplied by the return of Members to Parliament, by the open sale of seats, or by the nomination of the proprietors of boroughs. And can we hear without indignation the assertion—that to eradicate such a system, and to substitute for it the real Representation which the Constitution was bound to secure to the people of this country, to restore to the people the right of choosing for themselves, is a revolutionary measure, which will infallibly destroy the most valuable institutions of our government? I entertain no fears of such a result from the passing of this measure into a law; but I confess I have great fears, from what has passed in the Debates on this question, that its rejection by this House may be productive of disastrous consequences. I trust, therefore, that the assent of the House will be given to the second reading, sanctioning thereby the principle of the Bill, which so many have admitted, and affording a full opportunity for the consideration of its provisions in the Committee. But to this it is objected that I have declared a determined and uncompromising opposition to all alterations whatever. No such declaration has ever been made by me. I certainly did

assert my determination to maintain the principle of the Bill in all its efficiency. Nothing that could derogate from this could have had my consent; but any alteration that could have been shown to be necessary to carry into full effect the Bill, could have met with no opposition from me. To many of the changes, which we may collect from their speeches noble Lords opposite would have thought indispensable, I should have been decidedly opposed. But the decision must have rested, not with me, but with the House. Though I might have objected, the House might have decided according to the opinion of the noble Lord—and why could they not rely as confidently on a majority in the Committee, as they do on that which they anticipate as the certain result of this night's division? Admitting the principle, therefore, they have no ground for opposing the second reading of the Bill, which would have given them the opportunity of proposing in the Committee such modifications of the measure as might be consistent with their notions of what was necessary for the security of the Constitution. I wish to address this part of my argument more particularly to the noble Earl opposite, who spoke with so much ability a few nights ago.

The noble Earl says, that he is not opposed to Reform, but that the present Bill is far too extensive. He does not object to the disfranchisement of some of the nomination boroughs—he is not opposed to the granting Members to the large towns which are now unrepresented—he consents to the extension of the right of voting in counties, and to the addition made by the Bill to that part of the Representation. Disfranchisement, enfranchisement, addition, extension of qualification—all this the noble Earl admits, and this, my Lords, forms the whole principle of the Bill. All the other parts have reference only to the manner in which that principle is to be worked out. The detailed provisions which have been introduced for this purpose, may be so modified or altered as to improve, to confirm, or to restrict the operation of the principle. If the noble Earl objects to the registration, may not that clause be altered in the Committee without touching the efficiency of the measure? If the noble Earl objects to the proposed qualification, and thinks that it ought to be the occupancy of a house of a rental of 20*l.* a-year, in-

stead of one of only 101., can a change to this effect be made elsewhere than in the Committee? If the noble Earl objects to the division of counties, can he not propose that this part of the Bill be struck out in the Committee? If the noble Earl objects to any part of the schedules, where can he so well propose an alteration as in the Committee? To all such alterations I should, undoubtedly, give my most strenuous opposition; but it would be, as I have already stated, for the Committee, and not for me, to decide. In the Committee all these questions might be fully discussed; in short, no way appears so easy of obtaining what the noble Earl declares that he desires, as by going into Committee.

The noble Earl, however, calls upon your Lordships, at once to reject this Bill, for this, though the most offensive form originally proposed by the noble Baron opposite has been abandoned, must be the effect of a postponement of the second reading for six months. Let me ask, in what situation this House will be placed if your Lordships should be induced to reject this Bill upon such principles? Would it not be said, that, admitting the principle, without any consideration of the manner in which that principle might be advantageously worked into a law, you had hastily rejected a measure, sent to you by a vote of a large majority of the House of Commons, and eagerly supported by the almost unanimous voice of a whole people? I ask the most reverend Prelate who spoke lately—for he, too, has declared that he is not opposed generally to Reform—whether he can reconcile such a vote with the opinions which he has stated? He wishes for a meeting of the most eminent and able men that can be found, to consider of the means of producing a satisfactory measure. I confess I should not be very sanguine in my hopes of a successful result from such a proceeding. But if a measure, cleared of the objections which the most reverend Prelate feels to that which is now before you, and fortified by all the safeguards which he requires for the security of the Constitution is to be effected, where can it be so well done as in a Committee, where all these points might be fairly and fully discussed?

This, my Lords, is the only course which the most reverend Prelate, and those Peers who, with him, are friendly to the principle of the Bill, can consistently adopt. I confess I cannot understand either the consist-

ency or the wisdom of those who, acting with those views, would throw out the Bill at once. I can well conceive that those who are opposed to all Reform whatever should act in this manner; that a noble Earl, for instance, who sits opposite, and who does not qualify his opinion, and who is willing to proclaim to the people, in terms to produce despair, "Leave all hope behind, you who enter here"—that he should take such a course is intelligible; but how is it to be reconciled with the statements of those who declare some measure of Reform to be both just and necessary?

It has been said, that a measure of a more contracted nature than this would have satisfied the people. I doubt whether, in such a state of things as the present, this could have been reasonably expected. It seemed to me that permanent contentment could only be produced by a decisive and extensive measure; and the object which the King's Ministers had in view was, to produce such a settlement of this long-agitated question, which might prevent its being brought into renewed discussion in these seasons of distress and difficulty, when experience has shown that it has constantly revived, calling into action all the elements of political division and discontent. It surely was desirable, if this question was to be entered into at all, it should be done in such a manner as to afford a hope that it might be effectually and permanently adjusted.

I have now nearly done. I have only to make one or two other observations. The noble and learned Lord opposite has indulged himself with going into the whole of my political life, with a view of showing that I formerly professed opinions somewhat different from some of those which I now entertain; but the noble and learned Lord has forgotten the influence circumstances must have on the opinion of Statesmen. If I thought it necessary, I might refer to the change that took place in the opinion of the noble and learned Lord with reference to the question of Catholic Emancipation. The policy, nay, the justice of concession on that question, had long been argued by myself, and by those with whom I had the honour of acting; but it was not until the danger became imminent that the late Government were induced to abandon their opposition to the just claims of so large a portion of their fellow-subjects. But if in that case the danger was imminent, how much greater must it be



now, if, with their hopes and expectations raised to the highest pitch, the people should have their prayers disregarded, their petitions rejected with contempt, and all hope excluded, by a vote of this House, of their obtaining that to which, according to the principles of the Constitution, they have a right—a full, fair, and free Representation in a House of Commons chosen by themselves, and relieved from those defects which have impaired its character, and deprived it of the confidence which is so necessary to its useful and independent action? God forbid that this practical experiment upon the patience of the people should now be tried, for never did there exist—I, in my conscience, believe—in the most turbulent and dangerous times of our history, so general and so alarming a degree of discontent and dissatisfaction as that which will break out, when the hopes now entertained of obtaining a salutary and effectual measure of Reform shall be converted into despair. I believe that the feelings of the people are loyal and affectionate to the King, and even warmly attached to the various institutions of our Government in its separate branches; and let me entreat you not to throw away the opportunity which is now afforded of strengthening this general sentiment, so necessary to the safety of the country, by a timely and prudent attention to the wants and wishes of the people.

I have been reminded that, on some former occasion, I made use of the expression, that the House of Commons, even as it is, was a better representative body than any institution of the sort that ever existed in Europe. This certainly was, and is my opinion; no country, I believe, ever possessed an institution upon the whole so well calculated to promote the general welfare. But is it inconsistent with this admission, to acknowledge that there are defects, even in this system, which have materially impaired its vigour, have alienated the confidence of the people, and which require correction and reformation? To remove the abuses which have crept into the system, and to restore it to its original principles, is the object of the present Bill, which is a conservative and not a revolutionary measure, and is sanctioned by the opinion of the most enlightened men, that free governments, if not occasionally recalled to their first principles, necessarily degenerate into abuse, from the usurpations of power, and the tendency of all

human things to corruption and decay. I feel confident, however, whatever be the result, that the public peace will not be endangered. I agree with the noble Lord, that the good sense of the people will prevent them from breaking out into acts of violence and outrage, and I trust, whatever may be their feelings of disappointment from the rejection of this measure—if such should, unhappily, be its fate—that they will not depart from the legal and constitutional means of seeking redress for the grievances of which they complain. It is by such a course alone that their object can be obtained; and by a steady and a resolute perseverance in that course, their success is certain.

If, therefore, this measure should not pass into a law on the present occasion, I expect the people to wait patiently for a more favourable season, when their petitions may again be brought, as they infallibly must be, and at no distant period, under the consideration of the Legislature, under better auspices. Is it possible long to withstand so general and so powerful an expression of the public feeling as that which we have now heard? With the noble Lord opposite, I sincerely hope that the passive resistance to which allusion has been made, as being contrary to law, will no longer be thought of—that no combinations, which the authority of Government must be exerted to repress, will be entered into to refuse the payment of taxes; in a word, that no proceedings of any kind will be resorted to, which could only be injurious to the people themselves, and to the cause which they have so much at heart, and which their most sincere friends could only condemn and lament. Forbearance under provocation—patience under suffering—hope and perseverance under adverse circumstances, have hitherto distinguished the people of England, and, I trust, will not now desert them.

I am willing to give every credit to the noble Lords who oppose this measure for conscientious motives, but I cannot help feeling, from a number of circumstances that have occurred, that there has been shown a considerable degree of party-feeling in what has taken place both in this House and elsewhere; and his Majesty's Ministers have had reason to complain of attacks, for which, I am confident in asserting, their conduct has given no such occasion. [*several Noble Lords*]

"No! No!] My Lords, I cannot alter my conviction, that on this occasion symptoms of a party spirit have shewn themselves, which have greatly increased the bitterness of these discussions, and added not a little to the dangers to be apprehended from their results. For myself, and for my colleagues, I will only say, that we have acted from no motive but that of promoting the peace and safety of the country. To the measure which has been proposed for this purpose, or to one of equal extent and efficiency, I am personally pledged, and as to a measure more limited in extent and principle—despairing of its producing that effect—it will not be proposed by me.

The noble and learned Lord has said, that if I were to resign office, it would be a culpable abandonment of the King. It is my duty to consider what course I shall follow, under the circumstances in which I may be placed. I certainly will not abandon the King as long as I can be of use to him. I am bound to the King by obligations of gratitude, greater, perhaps, than subject ever owed to a sovereign, for the kind manner in which he has extended to me his confidence and support, and for the indulgence with which he has accepted my humble but zealous exertions in his service. Therefore, so long as I can be a useful servant to him, I trust that it never will be a reproach to me, that I abandoned so gracious a master. But I can only serve him usefully by maintaining the character which belongs to a consistent, conscientious, and disinterested course of public conduct: this character I should deservedly forfeit; if, by any consideration, I should desert principles which I believe to be just, or give up, for any consideration whatever, measures which I believe to be essential to the security, happiness, and honour of my Sovereign and of my country. If I could fall into such disgrace, I should be at once disqualified from rendering to his Majesty any useful service.

As to abilities, I am too sensible of my own deficiency, which is not less in those other qualifications which long habits of office give. All that I can pretend to is, an honest zeal—an anxious desire to do my duty in the best way I can: as long as he is content to accept my services on these terms, no personal sacrifices shall stand in the way of my performing the duty which I owe to a sovereign, whose claims upon my gratitude and devotion

can never be obliterated from my heart, whatever may happen, to the last moment of my existence. I had no desire for place, and it was not sought after by me; it was offered to me under such circumstances that nothing but a sense of duty could have induced me to accept it. To such as have observed my public conduct, I think I need make no such professions, for I can appeal to the history of my whole life to prove that I have not been actuated by an unworthy desire for office. But I found myself placed in a situation in which to shrink from the task imposed upon me by the too partial opinion of a benevolent master, would have been the dereliction of a great public duty.

I have lived a long life of exclusion from office—I had no official habits—I possessed not the advantages which those official habits confer—I am fond of retirement and domestic life, and I lived happy and content in the bosom of my family. I was surrounded by those to whom I am attached by the warmest ties of affection. What, then, but a sense of duty could have induced me to plunge into all the difficulties, not unforeseen, of my present situation? What else, in my declining age,

What else could tempt me on those stormy seas, Bankrupt of life, yet prodigal of ease?

I defy my worst enemy, if he has the most moderate share of candour, to find ground for charging me with any other motive.

I have performed my duty as well as I am able—I shall still continue to do so, as long as I can hope to succeed in the accomplishment of an object which I believe to be safe, necessary, and indispensable; but should this hope fail me, and should the Parliament and the public withdraw the confidence with which I have been hitherto supported, as, in that case, I could no longer prove a useful servant to my King or to my country, I would instantly withdraw from office into the retirement of private life, with the consoling reflection, that, whatever my other defects may be, I had not been wanting, according to the best of my ability and judgment, in a faithful, conscientious, and zealous discharge of what I have felt to be my duty.

The Duke of Wellington: When I made the observations that I did, in reference to the question of Parliamentary Reform, at the commencement of last Session, that question stood upon a very different footing to what it does at present. I look

upon the state of the question to have been completely altered by his Majesty's Speech on the 22nd of April, from what it was when I left office. I will not complain of anything personal that has been said of me, and I am sure that the noble Earl will do me the justice to admit, that I have rendered the noble Earl and his colleagues every assistance that I could consistently with my avowed sentiments.

Lord *Lyndhurst*: The noble Earl has been pleased, in the course of his speech, to allude to me, and he seemed to consider that, at one period of my life, I entertained opinions directly opposed to those

that I now avow and act upon. Now, if the noble Earl entertains any such impressions, I beg to assure him that he is mistaken.

Earl *Grey*: I understand that the noble and learned Lord, at one period of his life, entertained opinions favourable to the consideration of the question of Parliamentary Reform.

Lord *Lyndhurst*: Never!

The House then divided: Not contents, Present 150; Proxies 49—199, Contents, Present 128; Proxies, 30—158. Majority against the second reading 41.  
\* House adjourned at half-past six.

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CHICHESTER.

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**BISHOP.**

NORWICH.

## HOUSE OF COMMONS,

Friday, October 7, 1831.

*Miscellaneous.]* Bills. Read a second time; Hop Duties; Military Accounts (Ireland.) Read a third time; Arms (Ireland.)

*Returns ordered.* On the Motion of Colonel EVANS, an Account of the Customs levied in Rye, Nuthaven, and Shoreham, between January, 1814, and December 1831; and an Account of the Tonnage entered inwards and outwards from the said Ports; and an account of the number of the recruiting districts in the United Kingdom, with the number of Officers attached thereto, and an account of the Expenses:—On the Motion of Colonel TRENCH, of all the Houses now rented or employed as Public Offices in the different departments of the State:—On the Motion of Mr. GEORGE LAMB, an account of the Expenses of the Office of Secretary of Bankrupts, on an average of three years, ending March, 1830; and an Estimate of the Annual Amount received by the Commissioners of Bankrupts, with all the Expenses attached to their department:—On the Motion of Mr. HUMS, an account of the Surplus of the Sinking Fund to be applied for the reduction of the National Debt during the last eight quarters; of the Amounts voted by Parliament for Supply, under the several heads of Service, for each of the three years, 1829, 1830, and 1831; an abstract account of the Receipts and Disbursements of the Sheriffs and Stewards of Scotland, on account of the Public Service, as passed before the Barons of Exchequer for each of the three years, 1793, 1816, and 1819; for a Copy of all new regulations between 1783, and 1839, authorizing the Payment of Fees to Sheriffs, and relating to the administration of Criminal Justice in Scotland; an account of all Colleges and places for Education; the number of Printing Presses Licensed, and the number of Periodical Publications published under License, or sanctioned in the Territories of the East India Company in the East Indies:—On the Motion of Sir JOHN HAY, of Sums due to the Excise under 4th and 6th George 4th, for Spirits produced being short of the charge by quantity, &c.

*Petitions presented.* By Colonel EVANS, from the Finsbury Union, for a Repeal of the Duties upon Newspapers:—By Mr. HUNT, from George Hewitt and Francis Watt, praying that Persons who sought for admission to the Office of Justice of the Peace, might be previously examined as to their ability; from the Union of Bloomsbury, for the Repeal of the Tax upon Newspapers:—By Mr. KEARSLAY, from Wigan, praying that Beer-shops should be closed at nine o'clock at night:—By Sir ROBERT LEBLIS, from the Clergy of Southampton, for an Amendment of the Beer Act.

*RELIGIOUS PERSECUTION.]* Mr. Hunt presented a Petition from Mr. Robert Taylor, complaining of ill-treatment in the Gaol of Horsemonger-lane; that he was denied the use of his books, and was confined under the greatest privations, under which his health had suffered, and was still suffering, to the imminent danger of his life. The petitioner affirmed that the Chairman of the Sessions was drunk at the time of the sentence, and from the inquiries he (Mr. Hunt) had made, he had reasons to believe there was some foundation for the charge. The petitioner concluded by praying for further inquiry into his case.

Mr. Trevor said, that Mr. Taylor was only suffering under the sentence of a legal tribunal, and he regretted that any hon.

Member could be found who was constantly obtruding his petitions on the House. If ever a man deserved punishment it was Mr. Taylor, who had used every effort to destroy religion and subvert the morality of the public. The hon. Member might have selected some better object for his sympathy.

Mr. Goulburn said, the hon. member for Preston had asserted, that the Chairman of the Court of Sessions was drunk when his sentence was pronounced. He, as a Magistrate of Surrey, denied the truth of the assertion, but if there was any foundation whatever for it, the matter ought to have been referred to the Secretary of State.

Mr. Briscoe said, he had presented a petition from Clapham in reference to Mr. Taylor, but he now understood that petition was not acknowledged by, and did not express the sentiments of the inhabitants. It therefore could only be received as the petition of the persons who had signed it, and he regretted to understand some of them had been threatened with loss of custom in consequence of their having put their name to the petition; which he considered an unjust and cruel persecution. With respect to the assertion of the hon. member for Preston, that the Chairman of the Sessions was drunk when the sentence was pronounced, he most solemnly assured the House there was no foundation whatever for the assertion.

Petition to lie on the Table.

*LICENSED BEER HOUSES.]* Mr. John Wood presented a Petition from the Retail Brewers and Inhabitants of Preston, praying that Beer-shops should be open during the same hours as Public-houses. The most mischievous consequences would result from allowing Public-houses to be kept open at later hours than Beer-shops. People who were compelled to depart from the one went to the other, and drank spirits instead of Beer. He would, therefore, exert every effort in his power to prevent this partiality being continued by the Bill about to be brought before them for the amendment of the former Act. He knew instances where gin had been sold with impunity at particular hours on Sunday, while the owner of a beer-shop was fined for selling beer about the same time. He knew that, according to the strict letter of the law, the Magistrates were compelled to inflict the fine, but that

only showed the law was absurd; though the House was about to commit the still greater absurdity of increasing the distinctions between gin and beer-shops, to the advantage of the former. Several of the clauses in the new Bill were a farago of nonsense and absurdity, and were remarkable as an instance of the haste and cobbling with which Bills were concocted. He fully concurred with the prayer of the petitioners.

Mr. *Briscoe* said, it was absolutely necessary to have some restraint in rural districts; but wherever there was a gin-shop the beer-house ought to be allowed to keep open the longest, as the least evil of the two.

Mr. *Hunt* said, he had been requested to support the prayer of the petition; and he most fully concurred with those who considered it a most erroneous principle, that gin should be allowed to be sold at hours when the beer-shops were closed. He should, therefore, resist the Bill by which such distinctions were to be enforced, by all the means in his power; and would assist his hon. colleague in opposing it, by moving an adjournment whenever it was brought forward.

Petition to be printed.

**SUGAR REFINING BILL.]** Mr. *Goulburn* presented a Petition from the West-India Planters and Merchants of Liverpool, praying inquiry into the propriety of admitting foreign sugar for the purpose of being refined in this country. The petitioners asserted that it was well known that the quantity of foreign sugar exported was by no means so great as the quantity imported, although the law only allowed it to be imported in consideration that an equal quantity was exported. This caused some competition against our own colonial sugar in the market, with the monopoly of which our own planters had been flattered, but which there was now strong reason for believing was a delusion, in consequence of a new discovery having been made by the means of which molasses could be manufactured into refined sugar of an inferior quality. This was sent abroad, and the foreign sugar refined was retained for home consumption. He had seen the article manufactured from molasses, which had removed all his doubts upon the subject. He therefore considered the matter well deserving the attention of Government.

Mr. *John Wood* admitted the great wealth and respectability of the petitioners, but he believed they were deceived by a cast-off clerk from the establishment of a sugar-refiner. They had no means at present of verifying the fact. These bastard sugars had been tried, but it did not appear that any of them had been entered for the purpose of cancelling the bonds of the refiner. The main allegation of the petition fell to the ground. He knew it would be said that molasses with an undue quantity of sugar within it, was imported to evade the law, as was set forth in this petition, but he believed the truth was, such an article was imported only to avoid the duty on sugar. Complaints had been frequently made against the large drawbacks that were made, but he believed the West-India planters benefitted most by these drawbacks. To refine sugar was the work of several months, and he trusted the House would feel it highly inexpedient to throw difficulties in the way of an advantageous branch of manufacture.

Mr. *Goulburn* was glad to hear the observations of the hon. Member. The question was simply, whether the present refining system cut up the monopoly which the planters claimed as a right, by allowing bastard sugar to be made from molasses by persons who had no bonds to cancel. The present petition brought that question completely to issue between the refiners and the West-India planters, and the sooner inquiry was instituted into the subject the better, for without such inquiry neither of the parties would be satisfied.

Sir *John Newport* inquired how it was the petitioners had not brought their statement forward at an earlier stage of the Bill?

Mr. *Goulburn* had no doubt he should be able to give the right hon. Baronet an answer on the second reading of the Bill.

Petition to be printed.

**CONSOLIDATED FUND—HALF PAY OF THE ARMY.]** Mr. *Spring Rice* moved the Order of the Day for the House to resolve itself into a Committee on the Consolidated Fund Bill. Order read. On the question that the Speaker do leave the chair, Mr. *Spring Rice* moved an instruction to the Committee to receive a clause of Appropriation.

House in Committee.

Sir *Henry Hardinge* said, that there was a most invidious clause in the Appro-

priation Act, which prevented officers in the army receiving their half-pay if they accepted any civil appointments; while officers in the navy were exempted from such regulation. He did not blame the right hon. Baronet, the first Lord of the Admiralty, for introducing a clause allowing officers holding civil situations about his Majesty to receive their half-pay, but he wished to see the same indulgence extended to officers of the army. He was confident, both as a matter of economy and policy, it would be right to allow half-pay officers in the army to fill civil offices without mulcting them of their pay. Before the year 1828, officers in the army were not obliged to give up their half-pay if they filled civil offices; but in that year the Finance Committee recommended that course to be adopted, and an Act was passed for that purpose. He knew it was the opinion of Mr. Huskisson and Lord Palmerston, that an exception ought to have been made in favour of officers of the army holding civil offices in the colonies. If a Captain in the army, with 7s. a day for half-pay, was appointed a Barrack-master abroad, at a salary of 7s. 6d. a day, he was compelled to give up his half-pay; and many officers had refused to accept of employment, in consequence of which the service had been greatly injured. He should move that officers in the army on half-pay be allowed to fill the office of Magistrates, or any other civil office, without being deprived of their half-pay. He asked the House whether there was anything like a semblance of justice in allowing the officers of the navy to have their half-pay, and to fill civil situations, while the officers of the army were precluded from doing so? Such a course could but be the means of creating unfounded jealousies in the minds of the members of the two services. Why, he would ask, should a Captain in the navy receive his pay, and also his salary, if he was appointed to an office in the King's household, while the officer in the army must give up his half-pay? From 1806 to 1828, there was no such limitation, and the Finance Committee had recommended the stopping of the half-pay of officers in the army on their obtaining civil situations, without hearing evidence on the subject, and to make the distinction in the two services was most invidious. Why should the civil service be treated with great liberality while the officers of the army,

whose services appeared to have been almost forgotten, were neglected, and why should a Commissioner of Bankrupts, who had only been appointed a few weeks, retire for life on a pension of 200*l.* a year?

Sir Henry Parnell said, that, simple as these propositions appeared to be, it involved the consideration of no less a sum than 73,000*l.* a year. Up to 1820, the law had actually deprived officers in the receipt of any civil salary of their half-pay. The Act then passed was an innovation, and the Finance Committee of 1828 recommended that the old law should be revived. The members of that Committee were satisfied, from documents laid before them, that the consequence of acting upon the indulgence of 1820 had been, to put the public to the additional expense he had mentioned. The question did not turn upon the merits of the officers, but upon the principle of economy. The report had been drawn up by a Cabinet Minister, and had been agreed to by all the Committee, with one exception; it said, with reference to this question 'The half-pay cannot properly be considered as a remuneration for past services, for the service of a single day gives a claim to it as complete as the service of twenty years. That they feel themselves called upon to express the strongest objection to the changes which have of late been made in the rules and conditions under which half-pay has been received, and that they are decidedly of opinion, that the abandonment of the restrictions was an ill-advised measure, and that it was not more at variance with a due regard to economy than opposed to the very principle upon which military half-pay was established.' The Committee then added that the increased charge by altering the law in 1820 had been, 73,000*l.* a year for the army and navy, and they further say, 'When military men adopt the civil service, the Committee conceive they should receive the same remuneration for it as civil servants would receive, and no more.' Although he admitted that individual hardships would result from acting upon that recommendation, yet it must be clear, that as a question of economy the rule laid down should not be departed from. The opinion of Mr. Huskisson would be at all times of value, but it should not govern the House in a matter of the saving or expenditure of 73,000*l.* His right hon. friend had been fully heard before the



Committee of Salaries, and with every disposition to attach weight to his authority, it had come to the determination that it was inexpedient to alter the decision of the previous Committee which had sat in 1828. He had felt it his duty to recommend the fulfilment of the recommendation of that Committee, and he trusted the present Committee would agree with him in sustaining the views which he had stated.

Sir *Henry Hardinge* denied that any such sum as 73,000*l.* would be saved to the public by the adoption of the proposition. Quite the reverse. If army officers were not employed in the civil service, other gentlemen would be, who would receive the same or higher salaries. There were about 300 officers on half-pay who held civil appointments, and as it was probable two-thirds of these would give up their offices if deprived of their half-pay, how, in such circumstances, could any saving be effected? By a regulation which he had introduced on finding there were abuses relating to the receipt of half-pay, the country was saved no less a sum than 32,000*l.* a year. The indulgence of 1820 had been granted inadvertently by the House of Commons, but then the services of the army were fresh in their remembrance.

Sir *Henry Parnell* said, he made no mistake; he had only repeated the Report of the Finance Committee, which said, there would be an annual saving of 41,682*l.* on the army half-pay, and 31,370*l.* on the navy, making together about 73,000*l.*

Sir *Henry Hardinge* asked how it could be explained that half-pay officers holding civil situations would cost the country more than civilians holding such offices? For it was clear, that if officers were to forfeit their half-pay they would not accept such situations.

Sir *Henry Parnell* said, the argument of the right hon. Gentleman was, that the officers now holding civil situations should receive among them 73,000*l.* more than they had at present.

General *Phipps* said, the question here was, why should any distinction be made in case of holding civil offices between the army and the navy?

Sir *James Graham* said, that there was a different arrangement as to the half-pay between the officers of the army and the navy, and in granting a favour to naval officers it would merely apply to those in the service of his Majesty's household.

But this favour cost the public nothing, for the expense was defrayed out of his Majesty's Civil List. It did so happen, that in the case of a Vice-Admiral receiving the post of Equerry to his Majesty, his half-pay exceeded the salary attached to his office, so that he gave up his salary and took his half-pay, by which he received no remuneration for his services about the King; an absurdity so glaring gave rise to the arrangement alluded to. The restriction in the Appropriation Act of 1828, then, would be a saving of some 73,000*l.* a-year, and for this reason, that naval and military officers upon half-pay now held civil situations amounting to such a sum as that: if they were to receive their half-pay in addition to their civil offices, the country would be burthened for that amount in addition.

Mr. *Maberly* admitted, that Military Officers who had purchased their commissions were certainly entitled to very great consideration, and that the right hon. and gallant Officer had made out a strong case in their favour. He knew that civil servants had retired pensions for abrogated offices while they held situations, particularly in the Treasury, to the amount of hundreds and thousands a-year. He would mention one, that of Mr. F. Brooks-banks, who held three offices, the united salaries of which was 2,100*l.* per annum—and who, at the same time, received a retired allowance of 500*l.* a-year from another office. Why then not allow the military men to hold civil offices while they continued to enjoy their half pay? He thought that the whole question deserved to go to a Committee for inquiry, in order that substantial justice should be done. Such a Committee should examine into the superannuation and retired allowances of all departments, in order as much as possible to lessen that enormous dead weight to which no other country but this was subject.

Mr. *Hume* admitted, that no distinction should be made between Naval and Military Officers as to holding civil situations while they also received half-pay; but the object of the Finance Committee was, to reduce the public expenditure as much as they could without any detriment to the public service. The facts that had been submitted to the Finance Committee were these: that the Navy, Army, and Ordnance cost 13,500,000*l.*; and the dead weight upon them was 4,794,000*l.*; mak-

ing, with the Civil dead weight of 484,000*l.*, a total dead weight of 5,400,000*l.*—while the whole amount of the charges for all these services amounted in the year 1792 to 5,000,000*l.* only, being no more than the present annual amount of dead weight. In recommending retrenchment on these points, and on every other, the Committee had reference alone to bringing the expense down to the scale of that period, as near as circumstances would permit. Hence they agreed, that half-pay officers should not hold civil situations at the same time, although, upon surrendering their half-pay, their civil appointments would not be disturbed. He often thought of the hardships which military men endured, but it should be recollected, that at the close of the war in 1814, the half-pay of Military Officers was increased, upon the ground that they could not hold civil offices. It would be a departure from the principles of economy laid down by the Finance Committee, if they were to agree to the propositions of the right hon. Gentleman (Sir Henry Hardinge). Indeed, he also objected to that of the right hon. Baronet (Sir James Graham), although it was less objectionable than that of the gallant Officer, inasmuch as the country would not have to pay the salaries of Naval Officers holding situations in the household of his Majesty; but, nevertheless, it might so happen that some of the officers holding such situations might be in the receipt of full pay.

Mr. Cutlar Fergusson said, he thought this resolution would be as injurious to the public service as it would bear hard upon individuals. A half-pay officer well calculated to fill an office of trust and confidence with a small salary, was unable to accept of it because he would have to give up his half-pay, so that the office, instead of being held by men of honour and education, went to some person of an inferior description, to the great injury of the public service. Justice was as strongly opposed to the rule as policy. If a person was qualified to discharge the duties of an office, and did discharge them, he ought to receive the emoluments attached to it, without the consideration of any other funds he might be in the receipt of; 73,000*l.* was certainly a large sum; but the public service might be injured by such economy.

Mr. Hume said, that he would relieve the half-pay officers by placing them in active

service, in preference to young boys, who knew nothing of the hardships of war. If they had pursued such a system since 1815, all the old officers would by this time have been absorbed by the public service.

Sir George Clerk said, he had heard with great satisfaction the opinion delivered by the hon. member for Kirkcudbright. It was true, that since 1828 about 7,000*l.* per annum had been saved to the public in the half-pay of officers holding civil situations; but if the regulation had prevailed previous to that time, few such officers would have accepted situations. Several of the Chief Constables of Ireland were half-pay officers, but none of them would have taken such employments if they must have resigned their half-pay. Why should officers not be capable of holding civil situations as well as other persons? Why should they have no reward for their toils in foreign countries beside a scanty and miserable half-pay? If Naval Officers in the household of his Majesty were also to hold half-pay at the same time, why should not the same privilege be extended to officers in the Board of Ordnance, and other public establishments? Why should the Lords of the Admiralty receive half-pay together with the salaries attached to their civil situations? All he sought was, justice to the different classes of Naval and Military Officers, and he hoped this Committee would not fail to perform their duty.

Sir Henry Hardinge said, he would give one instance of the hardship of the regulation now proposed to be enforced. Sir H. Fane held the office of Surveyor-General of the Ordnance, with a salary of 1,200*l.* a-year; that officer had served upwards of forty years, and had spent 10,000*l.* upon his commissions, and had received as a reward for his services and his expenses a regiment, which was worth about 1,000*l.* a-year. This, however, he had to give up on taking a civil situation, and he went through all the drudgery of office for 200*l.* a-year. It seemed that while the services of the officers of the army were fresh in the recollection of the House, it was willing to grant this indulgence, but in a season of peace the officers were to be deprived of it. He was most anxious to press his opinion upon the Committee, although he would not divide upon the subject.

Colonel Fox said, he considered that the right hon. Baronet, the First Lord of the

Admiralty, had made a most invidious distinction between the two services.

Sir *James Graham* said, the whole of the Naval half-pay was regulated by the King in Council; that of the Army was subjected to Parliamentary restrictions. He must again repeat, that Naval Officers in the household of his Majesty would cost the public nothing, as they would be paid out of the Civil List; but under the Appropriation Act they could not receive their half-pay, which it was the object of his clause to remedy. If the income of the Civil Office were to fall upon the country he would be one of the first persons to oppose it.

Sir *George Clerk* said, it was for the benefit of Naval Officers that this clause was introduced into the Appropriation Act.

Sir *Henry Parnell* said, his great principle was, never to take money out of the pockets of the public without an evident necessity. He thought in the case before them that necessity did not exist.

Mr. *Hume* said, no information had been afforded on this subject. The clause itself had not been printed. He thought that if his Majesty employed half-pay officers he ought to pay them out of the Civil List. He hoped the right hon. Baronet, the First Lord of the Admiralty, proposed to put both services on the same footing.

Sir *James Graham* said, in reply to his hon. friend, that in 1822 an alteration was made in the Appropriation Act, in consequence of an opinion delivered by a Committee, that all officers in the receipt of half-pay should be permitted to hold civil situations with two exceptions, which were staff appointments and civil situations in the Colonies. The existing regulations, however, operated only upon the Army, the Naval half-pay not being regulated by Act of Parliament. The object now proposed was, to extend to the Navy the exception of which the Army had had the advantage, so far as regarded official situations in his Majesty's household.

Sir *Henry Hardinge* said, he entirely approved of the hon. Baronet's regulation with regard to the Navy; but what he desired was, that the Army should be placed on the same footing as it was between 1822 and 1828. It was the opinion of the Committee appointed in that year, that it should be so restored, but in consequence of the early prorogation, the Committee had made no Report. When this

clause was brought up, he should move an amendment to effect that object.

Mr. *Maberly* wished the gallant Officer would not propose any such amendment, because he was sure at no distant day the superannuations to the different branches of the public service must come specifically before the notice of this House.

Lord *Althorp* admitted, that the country was equally indebted to the Naval and Army services, and he would be one of the last men to make any invidious distinction between them.

Mr. *Hume* said, he would divide the House rather than allow that any particular favour should be granted to officers, merely because they happened to be in his Majesty's household. Why was not the Appropriation Act, or clause, or by whatever other name it was called, printed like every other which was submitted to the House?

Sir *George Murray* said, that during the time he presided over the Colonial Department, great inconvenience was felt in the Colonies in consequence of Army and Navy Officers being restricted from taking civil offices. They were the class of persons best qualified to fill them, but they in general refused when they found their half-pay must be relinquished. It was a mistaken notion to suppose such a regulation produced any saving to the public service, because, in every instance in which half-pay officers had declined to accept civil offices in the Colonies, other persons must, of course, be appointed, and thus the public had to pay their salaries as well as the officers' half-pay. He wished the defect to be remedied as soon as possible.

Sir *Henry Hardinge* said, any officer would prefer receiving 6s. 6d. half-pay in England, to 7s. 6d. as Barrack-master in the West-Indies. The Government, therefore, had been compelled to appoint persons who were ignorant of the duties, and they could have no security for the honesty of such persons; but with a half-pay officer, if he was guilty of any default, you could appropriate his half pay, or sell his commission if necessary.

Several clauses agreed to. The House resumed, and the Report brought up.

[BANKRUPTCY COURT BILL.] Lord *Althorp* said, that he should move that the House should go into Committee, *pro forma*, on this Bill; and the discussion of the principle of the Bill might be resumed

upon the bringing up of the Report. The noble Lord then said, that he should take this opportunity of correcting some misrepresentations which had gone forth to the public with reference to this Bill, and with regard to the noble and learned Lord who had introduced the measure into the other House of Parliament. It had been supposed in that House, that the Bill was to contain a clause providing a retiring pension for his noble and learned friend, the Lord Chancellor, and upon that supposition some strong observations had been made upon that topic in this House. His noble and learned friend, the Lord Chancellor, was at the time absent from town, but, learning the matter through the daily papers, his Lordship immediately wrote to him (the Chancellor of the Exchequer) to deny positively that it ever had been his intention that any such clause should be introduced into the Bill; and, indeed, no such clause was to be found in the Bill. He should say, in justice to his noble and learned friend, that there existed no man who cared less about money matters. His noble and learned friend certainly was ambitious; but it was an ambition to exert his splendid and powerful talents and abilities for the good of his country. His noble and learned friend had considered that such a clause in this Bill would be inconsistent with its nature, and he had felt hurt that such a statement should have been made. Although this Bill would curtail the emoluments of the Lord Chancellor to the extent of 7,000*l.* or 8,000*l.* a-year, yet his noble and learned friend was anxious that it should be carried.

*Sir Edward Sugden* said, that the observations first made by the noble Lord were quite satisfactory to the Gentlemen at his side of the House. Any observations which had been made at his side of the House were dictated by duty, and that fearlessness which he hoped would always be displayed by Gentlemen at both sides of the House when stating their opinions. If the noble and learned Lord felt annoyed, the blame did not rest with his side of the House—the blame rested with his injudicious friends at the other side of the House by their suggestions. He (*Sir E. Sugden*) had no means of knowing the noble and learned Lord's pecuniary motives; but this he would do him the justice to say, that, from his great public services, and his great anxiety to give the public the

benefit of his splendid talents, he believed him to be altogether incapable of entertaining a base or sordid motive. Such a clause in such a Bill would have been a most improper thing. When the subject of the emolument to be given to the Lord Chancellor came under the consideration of the House, he would be found to be one of the foremost in support of the just dignity of so high an office. With respect to the Bill itself he would repeat, that he had many and decided objections to it. He admitted that the Bankrupt-laws must be revised, and their administration put upon a different footing, but this Bill would create an expensive and unnecessary office. He had no doubt, that the whole administration of the Bankrupt-laws might be carried on at an expense of less than 10,000*l.* a-year.

The Bill went through a Committee *pro forma*.

[*SUGAR REFINING BILL.*] *Mr. Poulett Thomson* moved the Order of the Day for the second reading of the Sugar Refining Bill.

*Mr. Keith Douglas* regretted that this Bill was persevered in at this period of the Session, and when the sufferings of the West-India planters had been so lamentably increased within the last few weeks. The use of the foreign sugar for refining, by the returns on the Table, showed a tendency to increase rapidly in substitution of the British plantation sugar. It was not right, therefore, to allow it to go to greater extent, before being assured that it was acting fairly, to give this preference to produce which was raised under circumstances so favourable, as to place it beyond the power of our colonists to raise sugar at an equally low rate. The noble Lord had said, that this sugar refinery had long existed, and that, therefore, it could not be attended with any greater inconvenience now than formerly, and that until lately no serious complaints had been made on the subject. The fact was not so; the law had been experimental for two or three years, enacted from year to year, and the constantly increasing importation of foreign sugar now demanded inquiry. The West-Indians, however, asserted that the foreign sugar was brought into the same market, and that by the competition thus created, serious injury was done to them. They stated that an unfair advantage was now given to the cultivator of foreign sugar, and thus an encouragement was held out

to the continuation of the foreign Slave-trade. The noble Lord and the Treasury, in conjunction with the Board of Customs, had taken means to institute inquiries into frauds that were practised under that system, and which had been matter of complaint. Experimental inquiries were now being carried on in London and Liverpool with this view, and this circumstance alone, independent of the appointment of the Select Committee on the affairs of the colonies last night, should induce the noble Lord to postpone this Bill till he could legislate on satisfactory grounds. He was convinced that the Committee would be able to come to a determination on the subject in the course of a fortnight; and, under these circumstances, he saw nothing unreasonable in the proposition he was about to submit to the House. All he wished to ask at present was, that the second reading of the Bill should be postponed for a fortnight. This Bill would, even if passed, be but a petty mode of legislation, which could lead to no good, and might produce considerable mischief. He would move as an amendment, that this Bill be read a second time this day fortnight.

Mr. John Wood was anxious for inquiry, because he was sure that that inquiry would confirm the views which he had already entertained upon this subject. He had no hostility to the West-India interests, but he could not consent to their keeping possession of the monopoly which they had for years enjoyed in the shape of drawbacks. He believed that the West-India planters were, in many cases, suffering great distress, and he would do all he could to alleviate it. That arose, however, in many instances, from the heavy mortgages they had to pay, for sums of money borrowed in bad years of the merchants who purchased the sugar and other crops; and the interest being suffered to accumulate until the debt became large, the merchant then pressed the poor planter for payment at a time when he knew that he was unable to help himself, and compelled him to enter into ruinous bargains for the sale of his produce: by this means the real exporter shipped his goods home to the English market, and pressed the poor planter to the earth. He was anxious to afford relief to the West-Indians, but hardly anything that could be proposed would be adequate to the effectual amelioration of their condition. No in-

quiry on the subject of the sugar refinery could by any possibility be satisfactory, unless the quantity of sugar necessary to produce a certain quantity of refined sugar could be ascertained, that is, the proportion lost in undergoing the process of refining. By this means they might be able to know by the quantity of sugar in a refined state exported, what quantity of foreign sugar was used in the manufacture of it, and comparing this with the quantity imported, be able to arrive at something like a correct result. It was clear, however, that a large capital must be employed in the experiment; and a large sugar-house must be taken for that purpose, and it was impossible that any fair experiment could be made in less than six or twelve months. The public generally were not interested in this question, nevertheless, a great act of injustice would be done to many persons if this Bill was not suffered to pass. A great number of merchants trading to Brazil and other places, had sent out directions that cargoes of sugar should be sent to this country, in the full expectation that they would be able to refine in this country for the foreign market. The sugar refiners had embarked capital in a way which would be entirely unproductive if the Bill was not passed into a law. His Majesty's Government gave no pledge to renew this Bill; but the Board of Trade, and also the Treasury, told these people that there appeared no reason against renewing this Act on its expiration on the 5th of July, as no intimation had been given by the West-Indian body of their opposition to it. The object of the sugar refiners was, to obtain the permission of the Legislature that the foreign sugar brought to this country, on the faith of this understanding, should be refined. The first bill for allowing foreign sugar to be refined in this country was brought in by Mr. Huskisson, and had been renewed, year after year, without opposition; and it was certainly strange that, although the late Government supported and carried this measure several times, yet that some of the members of the late Cabinet should join the ranks of opposition to this Bill, and support any scheme to retard its progress and defeat it. No opposition to this measure would ever have been manifested had there not been a change of Government, for it was not discovered that it could affect the West-Indians until the present Ministers came into office. The hon. member

for Dumfries said, that the competition of the West-India sugar with that produced in the foreign slave colonies, had brought down the price in the English market; and that this was one of the chief causes of the great distress felt in the colonies. The hon. Member forgot that if a hogshead or a case of foreign sugar had never been refined in this country, the competition would still have existed. The price of sugar in this country not only depended on the competition in the home market, but upon the price of sugar in the foreign market. Our colonies produced more sugar than this country could consume, and, therefore, the surplus must be sent to the foreign market; and, upon the selling price of that surplus would depend the price at home, for the competition to sell, even at a fraction more than the price in the continental markets, would always keep prices level. Thus the prices of sugar produced at the Havannah and the Brazils, and sent to Hamburgh and Trieste or St. Petersburg, would come into competition with the English colonial sugar, and the selling price of the former, as it was produced at less cost, would generally determine the price of the latter. The West-Indians imputed all their distress to the merely obtaining sugar, the produce of foreign colonies, to be refined here, and therefore, called upon the House, without regard to other interests, to put a stop to it. It had always been the custom with the West-Indians to make a great outcry in case of any measure which they imagined might affect them in the slightest degree, and at the same time they always attached a greater importance to their interests and their trade than to that of all the rest of the empire. The manufacturing, the mercantile, and the shipping interests, and even the rest of the colonies, were to be disregarded when they were in question. He would venture to say, that the trade to the Brazils had as much capital embarked in it as the trade to Jamaica. From the returns which had been recently printed, it appeared, that the exports to the Brazils for the last five years had amounted to no less than 21,500,000*l.*, while the imports were 7,000,000*l.*, thus leaving a clear balance of upwards of 14,000,000*l.* They had compelled the foreign sugar producer to have foreign ships to convey it to the foreign market, in consequence of the impediments that had been thrown in the way of the English merchant or shipowner

having anything to do with an article which came into competition with the principal article of West-Indian produce. During the last year, 63,000 cases of sugar were shipped at Bahia for Hamburgh, and of these 17,000 were in British ships, 27,000 in American, and 19,000 in Danish, Swedish, Hanse Town, and other foreign ships. By giving encouragement to the refining of foreign sugar in this country, our own shipping would be benefited, and at the same time no injury to the West-India interest would be done. As the law stood at present, no sugar could be refined in this country which had not been imported in British ships, so that, if the renewal of this Act was refused, an injury to the shipping interest would be done. But it had been urged, that by encouraging the sugar trade with the Brazils and Cuba, a premium was held out to those colonies to continue the atrocious traffic in slaves, now unhappily so extensively carried on. To render, however, this argument of any avail, it ought to be further extended, and we ought to refuse to take cotton, indigo, dye-stuffs, and everything else that was the produce of the Brazils. But if such a proposition were acceded to, what would become of our cotton manufacturers? As long as we sent goods to the Brazils, and that country was an extensive market for our commodities, we must bring goods back. It was said, that our trade had enabled us to carry on the late war, and would the House, to gratify monopolists, consent to ruin our future resources? The object ought to be, to make England the *dépôt* for all the sugar of the world, that England might refine for all the continent. He admitted something was due to the West-Indians, but before the House could come to any just decision, large experiments should be tried, with a view to ascertain what quantity of raw sugar would be necessary to give a certain quantity of refined sugar; and these large experiments should be continued for six or twelve months, or else they could not get at the truth. No doubt the West-India interest should be considered, but so should the shipping and manufacturing interests of this country, which were very much concerned in this question. It was very well known that we seldom or never had more than three weeks' or a month's consumption of sugar on hand, and the result was, that a few rich merchants could keep it out of the market until it reached

an extravagant price. He could see no real or solid objection against the Bill. It caused the employment of large capital—it employed a portion of our shipping, employed machinery, and a considerable amount of manual labour; beside which, there was no country in Europe which had so many facilities for refining as England. We owed many of them to the great skill of Mr. Howard, the eminent chemist, the brother to the Duke of Norfolk, who had employed his leisure and fortune in improving the arts, and, he was happy to add, had found in the result an increase both of reputation and of wealth. He had formerly been a refiner himself, though he had no longer any interest in the business, and was, therefore, so practically acquainted with the subject as to enable him to venture an opinion upon it. Again he contended, that the foreign sugar being used in refining prevented the adulteration of West-India sugar, and at the same time had a tendency to keep its price within a moderate compass. In fact, too, it was well-known that one species of West-India sugar would not refine unless mixed with Brazilian sugar, and then it refined extremely well. To withhold that supply would, therefore, injure the West-Indians themselves. If this Bill were delayed for a fortnight, it might as well be delayed for six months, to which he could not consent.

Mr. *Burge* said, he was well aware that there was a great difference of opinion upon this subject, and he was glad that a Committee had been appointed to inquire, because he was satisfied the erroneous views of the hon. Member (Mr. J. Wood) would be clearly established before that Committee. It was not denied, that the West-Indians were now suffering great distress, which must more or less affect the trade and manufactures as well as the shipping interest of this country. But besides a regard for our own colonies and their aggravated sufferings, we should not forget, that by encouraging the growth of foreign sugar we should be positively encouraging the slave-trade. All other governments encouraged their colonies: but our Government followed a different policy. He was satisfied, that foreign sugar yielded more refined sugar than the produce of our old colonies, and this Bill must, therefore, injure, if it did not ruin them. He entreated the Government and this House, therefore, not to persevere

in this Bill, which would aggravate the distress under which the West-India planters were now suffering.

Mr. *Warburton* could by no means concur with the hon. Gentleman, and as to the delay which was called for, he considered it would be utterly nugatory. It would be unjust to the parties if the renewal of the Act was postponed. Until the Government had correct information, and until it was clearly proved that frauds were practised, this Bill ought to be re-enacted.

Mr. *Cresset Pelham* would not, for the sake of one party, support an interest opposed to the interest of another class. Sugar was better cultivated in the West-Indies than any part of the world, yet it was said they ought to encourage East India sugar. He thought the West-India colonies ought to be protected.

Mr. *Poulett Thomson* did not feel himself called on to go over his former calculations, which proved that the West-India interest could not suffer by the Bill before the House. In the observations which had been made by the Gentlemen who opposed the measure, they had confined themselves to the re-assertion of facts which had repeatedly been urged on the same side. He would confine himself to merely expressing his opinion, that the West-India interests could not be in the slightest degree affected by the measure before the House, and that delay could tend to no possible beneficial result to the West-India proprietors or sugar-refiners. The hon. Gentleman had contended that a greater quantity of refined sugar would be produced from East-India sugar than from West-India sugar. That he denied. In fact, the arguments and propositions he had heard for inquiry could have no other object than the defeat of the Bill. By passing the Bill to continue six months, to which, certainly, he would consent, the experiment might, in the mean time, go on, and before the Bill was again renewed, they would be able to ascertain how far it would answer the object. He made that offer, and would commence the inquiry immediately.

Mr. *Hume* thought the hon. Gentleman ought to withdraw his Motion. If the Motion was persisted in he should vote against it.

Mr. *Keith Douglas* considered that the hon. Member (Mr. Hume) had no right to dictate to him any such course. He had

brought forward what he considered to be a just and fair motion, and he would take the sense of the House upon it.

Alderman *Thompson* could not, after the offer made by his Majesty's Government, support the motion for a Committee.

Mr. *Hunt* thought, that the hon. Alderman was disposed to legislate first and inquire afterwards. He would inquire first, and, therefore, he would support the amendment.

The House divided on the Original Motion:—Ayes 130; Noes 96;—Majority 34.

The Bill read a second time.

**EXCHEQUER COURT (SCOTLAND)**  
**BILL.]** Mr. *Pringle* rose to move the Order of the Day for resuming the debate on the second reading of the Bill to abolish the Court of Exchequer in Scotland. The question had not been done justice to, having been brought on at an advanced period of the session, when it could not be thoroughly inquired into. The Bill passed the Lords without discussion, and, therefore, now, in its latest stage, that circumstance increased the responsibility imposed upon this House. In Scotland there was great jealousy felt at the subversion of an ancient jurisdiction, which had always worked for the advantage of the country. It was suspected to be part of a series of changes by which the peculiar institutions of the nation were to be destroyed, and Scotland rendered a mere subordinate province of England. In discussing this Bill there were two subjects to be inquired into; first, whether a case could be made out to justify the suppression of the Court; and secondly, whether, in that event, the mode of providing for the despatch of its business was likely to answer. With regard to the first question, but little could be added to the powerful statement of his right hon. friend, the member for Portarlington. He regretted that the House was so thin when he made that speech, which was so well calculated to attract attention to the subject, and leave a strong impression of the impolicy of passing this Bill. They were called upon to legislate on very slight grounds and imperfect information. They had only the statements of the member for Ayr, without any reference to reports or returns in support of his facts. His Majesty's Ministers ought to have made much more inquiry into the subject before they began to legislate in so destructive a manner. Had they consulted

the right hon. member for Portarlington they must have derived benefit from his advice, which he would have given frankly and unreservedly, and some of the statements which he made last night would surely have induced them to consider the subject more thoroughly than they appeared to have done. The only person whose opinion had been quoted by the other side, was the learned Judge who presided in that Court: but his experience had been very short. Last year, when he was consulted on the same subject by his (Mr. *Pringle's*) right hon. friend it appeared that he gave his sanction and concurrence to the arrangement then adopted, of which the continuation of this Court formed a part. But he had changed his opinion since, upon ten months additional experience. Whom else had the Ministers consulted? Any of the other Judges of that Court, all of whom had had much longer experience than the Lord Chief Baron? Or the lamented Judge whom the country lately lost there? Or Sir Patrick Murray, whose acquaintance with the business of that Court had been of such long standing, first when he filled the office of King's Remembrancer, and afterwards as one of the Judges? or did they consult Baron Hume, whose varied knowledge of our laws, intimate acquaintance with all our institutions, and acknowledged talent and wisdom, would give such peculiar weight to his opinion, that any measure which had his sanction would be likely, on that account alone, to be favourably received? It was to be remarked, that while they refused to take the mere statements of hon. Members opposite as a sufficient ground for legislation, so neither did his right hon. friend rely on his mere statement. He suggested an inquiry before a Select Committee of the House; surely, nothing could be more fair. Various questions would require to be investigated by that Committee, but especially the causes of the great decline of judicial business in that Court. The practice of compounding for the penalties was the main cause. This system had been defended by the learned Attorney General, and the hon. and learned member for Stafford. But the practice as they represented it in England was very different from the abuse of it lately introduced into Scotland. The question was not whether compounding for penalties should not occasionally, and under peculiar circumstances, be admitted,



but whether it was expedient to allow it universally, as had of late been the system in Scotland. Not whether it should be conducted by the wisdom and discretion of the first law officer of the Crown—the Attorney General—but whether such a power should be vested in a mere subordinate officer, like the Solicitors of Excise and Customs. If it could be justified in one case, why might not the practice be extended to others? This would render nugatory Courts of any kind for the trial and punishment of offences. If the Court of Exchequer had not sufficient business, more might be added to it. This was in the contemplation of his right hon. friend, as he had himself stated, before he went out of office, and would have formed part of the great measure which he carried through the Legislature last year. There were many subjects which might be more fitly placed under the jurisdiction of the Court of Exchequer than any other Court. The duties of the Commission of Wines were generally considered as of this description, and there seemed to be an expectation in Scotland that these would sooner or later be transferred to the Exchequer Court. Another branch of business which they might fitly manage was, the department of bankruptcy concerns, and the trusts arising out of them. A third, the guardianship of the affairs of minors and lunatics, which in England belonged to the Court of Chancery, but in Scotland was vested in the Court of Session. This could never be properly discharged by a Court absorbed in judicial duties, but belonged more properly to the analogous administrative duties of the Court of Exchequer. The want of a system of regular and constant superintendence in these cases had long been considered a defect in Scotland; and a much better system than the present could easily be devised. If such duties as these were devolved upon the Court of Exchequer, in addition to its other administrative duties, it would then have quite enough of business to transact. The question then was, whether this Bill ought to be proceeded in without much more ample inquiry. The measure contemplated had never received the approbation of any one of the many Commissioners who had investigated and reported on the judicial establishments of Scotland. And it would, therefore, not be doing justice to so important a measure, to deny a thorough investiga-

tion before taking so important and irrevocable a step as this. With regard to the means provided by the Bill for discharging the duties of this Court, the information was very imperfect. The hon. and learned member for Stafford found all the information he wanted in the Bill itself—reasons for the abolition of the Court, and a satisfactory provision for the discharge of its functions. He had contrived to discover more than he (Mr. Pringle) or any Gentleman who was conversant with the subject, could. All that they were told was, that the whole of the present duties were to be transferred to a single Judge of the Court of Session. But as to the manner in which such Judge was expected to discharge these duties they were kept quite in the dark. They were left in doubt, too, if all the various duties of the Barons of the Exchequer were really meant to be transferred to this Judge of the Court of Session. If this was to be the case, it was certainly very inexpedient; for there were many of these duties very foreign to the pursuits of a Judge constantly engrossed with his judicial functions. But from some explanations of the hon. member for Ayr, they might infer that the Treasury duties were to be an exception. But by whom were these duties to be discharged? By some inferior officers in Scotland? or had Government any lurking design of transferring all the Treasury business at once to London? If so, the sooner they spoke out the better. He could tell them, that in Scotland such an attempt would not be very patiently submitted to. It was a point which was struggled with very hard during the Union discussion, and the retention of the Treasury functions in Scotland was very anxiously stipulated for. He could not, therefore, conceive a more violent infraction of that treaty than such an attempt. But to come back to the arrangement for transferring the business to a Judge of the Court of Session. He need not go over the very strong objections pointed out by the right hon. Baronet, to investing any single Judge, not bred to English law, with the duty of trying causes by that law. It might be doubtful whether, even in the whole Court, this might be safely vested, but confiding it to a single Scotch Judge would be infinitely more objectionable. But before proceeding further with this Bill, it was of essential importance to inquire whether this duty could be transferred to the Court

of Session at all, without materially impeding its other business. The Court of Session was already overburthened with business, and ought rather to be relieved of a part than have an additional load of duty imposed upon it. Last year two Judges were cut off from that Court. But the bill of 1830 was still an experiment. It had not been a twelvemonth in operation; and so long as its success was doubtful, it would, surely, be extremely unwise to meddle with it, especially by transferring to it new duties. But in Scotland there was nothing so much dreaded as fresh changes and innovations. For more than twenty years they had been vexed and harassed with constant changes in the judicial establishments. On the whole, great improvements had been made; but the perpetual change had itself been a serious evil, and most harassing to all practitioners. After the bill of last year, an end of these alterations was expected; but now they had a new Ministry, and were, therefore, destined to undergo a new series of innovations. But if the Ministry would not allow time to make all those inquiries, it was impossible to do justice to such a question. What harm could result from allowing the Bill to lie over till next Session of Parliament, when they might have more time to do it justice? The only reason he had heard for such haste was one which the hon. and learned Attorney General rather hinted than spoke out upon. He seemed to connect this Bill in some way with the Bankruptcy Bill, which was running a similar course. For some reason unexplained, it would be convenient for Government to carry these two Bills through the Legislature *pari passu*. But he deprecated this indecent haste. If the measure were really expedient in itself, let them take time to convince the people of Scotland that it was so. If not expedient, they would feel not only that a serious injury had been inflicted on them, but that it had been done with a marked indifference to their interests and feelings. As a Scotch Member, he was compelled by duty to oppose this Bill, and should do so in all its stages.

Mr. Macleod spoke to the following effect:—Mr. Speaker; As the question before the House concerns the interests of the people of Scotland, and representing, as I do, a county in that part of the United Kingdom, I beg to make a few observations on it. In the first place, I

must apply myself to an observation, with which the right hon. and learned Baronet (Sir William Rae) concluded his speech last night. He said “it would neither be consistent, nor respectful to the people of Scotland, to pass this Bill without a parliamentary inquiry.” In what, however, the disrespect to the people of Scotland can consist, if we pass this Bill without further inquiry, I own I am at a loss to conceive. To what degree the people of Scotland are interested in maintaining a superfluous court of justice, it is not in my power to discover. Nothing can be more preposterous than to imagine, that the people of that country feel the least anxiety to preserve this useless jurisdiction. Almost all the Gentlemen on the opposite side used the phrase “ancient jurisdiction,” at the end of most of their periods, as if they thought that phrase an admirable termination. But what does the antiquity of the jurisdiction signify, if it be confessedly useless? and what grounds for a parliamentary investigation has the hon. and learned Baronet laid, which would not have existed previous to the passing of the Act 1st Will. 4th, cap. 69? In that Act we have his authority for making pretty free with our ancient jurisdictions. By it, the number of the Judges of the Court of Session, a number which it used to be reckoned almost sacrilege to interfere with, was reduced from fifteen to thirteen—a pretty large innovation—and which, had it come from Gentlemen on this side of the House, would have been visited with no small wrath. By this Act the High Court of Admiralty was abolished—a jurisdiction, even in its late form, confessedly more ancient than the Court of Exchequer (for it had existed in its latest form considerably previous to the Union) was abolished by the right hon. and learned Baronet; yet there was no previous parliamentary inquiry. The Commissary Court also was abolished—a jurisdiction nearly as ancient as the Court of Session itself—no parliamentary inquiry preceding its abolition. And all this was done by the right hon. and learned Baronet and his friends, who now have so many scruples in abolishing the ancient jurisdiction of the Court of Exchequer. Why, Sir, this very Court of Exchequer, this peculiar favourite of the right hon. Gentleman, was, at the same time, reduced from four Barons to two; though, in 1820, five Barons, in-

cluding a Chief Baron, were maintained by the right hon. and learned Baronet, and decided by this House, though by a small majority, to be the number which were necessary to discharge the high, laborious, and responsible duties of this Court. With these facts before us, and with the confessed truth, that in the last year only two defended causes were brought into Court; when it is notorious that the Court has little or nothing to do, can the House hesitate to read this Bill a second time?—a Bill which adequately and cheaply provides for the discharge of the scanty duties which remain to be performed. “But,” says the hon. member for Selkirk (Mr. Pringle), “although the Court of Exchequer have but little to do at present, cannot an arrangement be made, by which it can have some tolerable share of duty? cannot the Tiend causes be transferred from the Court of Session?” If, Sir, there were no other objections, into which I shall not detain the House by entering, this proposal would be manifestly inadequate to give employment to the Court. The time occupied in deciding all the Tiend cases which arise, would be about three hours once a fortnight. As to the project of taking away the jurisdiction vested in the Court of Session, with respect to minors—something similar to that invested in the Keeper of the Great Seal—that would, I believe, be objectionable in many respects. I never, I confess, heard any complaint made of the manner in which that high and delicate jurisdiction is exercised by the Court of Session; and some much better reason must be given to justify its transfer, than merely to give some shadow of pretence for maintaining the Court of Exchequer. But, says the hon. and learned Baronet, the cause of the apparently little business in the Court of Exchequer is the system of compounding offences—and of course, were this evil corrected, a considerable accession of business would be the result. As to the reasons, the solid reasons which exist for resorting to those compositions, they have been so ably and convincingly stated by the hon. and learned Attorney General, that it is needless for me to repeat them. I was much astonished, however, that the hon. and learned Baronet did not state one cause, and the chief one, for the diminution of business in the Exchequer, namely, the great decrease of

smuggling—a cause, for contributing to which I thought he would have taken credit to himself, and have demanded some praise for preceding Governments, in which I should have readily and cordially concurred. As to investigation, my principal objection to it is, that it is quite useless; it would stay the progress of a beneficial measure, and could lead to no result to justify the delay, or which would prove the case of the hon. Gentlemen opposite. Is it not notorious that the Court, as a court of justice, is a nest of sinecurists? Can any Gentleman deny, that in Scotland, when a political partisan, of a certain standing and good interest, was to be provided for, but whose attainments rendered it impossible that he should be placed on the bench of the Court of Session, he was made a Baron of Exchequer, as soon as a vacancy occurred? Whatever may be thought in this House, I make this assertion without any fear of its meeting with contradiction. One reason for inquiring by a Committee, which was stated by the hon. Member (Mr. Pringle) appears to me rather remarkable, viz. that the Bill passed the House of Peers nearly *sub silentio*—that is, because the case is so clear, the Court is so indefensible, that none of those noble Lords—and many they are—who combine knowledge of Scotch legal proceeding, with sufficient veneration for antiquity, to say the least, attempted to arrest its progress—we, of the House of Commons, ought to make the certainty of the evils felt by the other House, the ground of our doubt. Such an argument is not a little whimsical. That the measure has been introduced by the great man at the head of the law, and who, it is well known, is intimately acquainted with Scotch legal questions, is, to my mind, no small recommendation. That it has received the sanction of my right hon. and learned friend, the Lord Advocate, is an additional recommendation to those who look for authority to support their decision of this question. Indeed, no man, from the splendor of his talents, from the length of his experience, and from the extent of his legal practice, can know more intimately the wants and wishes of the people of Scotland, than the right hon. and learned Lord; and, however respectable may be the character of the right hon. and learned Baronet, I must be excused from considering him so good an authority, or so safe a guide,

on a question of this kind, as my right hon. and learned friend (the Lord Advocate). I feel, indeed, the great disadvantage under which we discuss this question in his absence. But, notwithstanding this, I am clearly of opinion, that the Bill should be read a second time.

Mr. George Dawson disclaimed all knowledge of the nature of the function of the Scotch Exchequer Court; he thought the proposition of the right hon. member for Portarlington, for an inquiry into this subject, so reasonable, that he should vote against that course which the House was called upon so precipitately to adopt. On that part of the subject which he did understand, and which related to granting the retiring pensions, he considered that it would be a gross and flagrant job to saddle the country with a retiring allowance of 2,000*l.* a year to Mr. Abercromby, the Chief Baron, who had been but eighteen months in office, and was in the prime of life. He considered this proceeding totally inconsistent with the economical professions of the Ministry. The Government which could thus sacrifice the public money, was unworthy of the confidence of the country. It was astonishing that the first Lord of the Admiralty, after making a speech upon economy and retrenchment, should sanction this pension to the Lord Chief Baron of Scotland. If the Government had been sincere in their desire not to create new offices, they, instead of fixing upon the country 2,000*l.* a-year, would have called upon Mr. Abercromby to execute the office of Judge in Bankruptcy. If the Government thought proper to persevere in giving Mr. Abercromby 2,000*l.* a-year, he should move an Address to the Crown, requesting, if the Bankruptcy Bill should pass, that Mr. Abercromby might fill the office of Chief Commissioner in the Bankruptcy Court. If the noble Lord said the intention was to appoint Mr. Abercromby he should be satisfied.

Lord Althorp said, their want of economy was, that they converted a place for life of 4,000*l.* a year to a pension of 2,000*l.* Then it was said, why was not Mr. Abercromby appointed to the vacant office of Commissioner of Bankruptcy? The fact was, it was desirable to place a proper person in that Court. If Mr. Abercromby was a fit person he might be appointed, but he did not think the practice of Mr. Abercromby had made him fit for a Jury Court. It would have been unjust to

deprive Mr. Abercromby of his office without some compensation.

Mr. Goulburn having been joined in the inquiry into the Courts of Scotland in 1830, and having then found that there was no reason for the abolition of the Court of Exchequer in Scotland, he should say there was no ground for reversing that decision. He thought further inquiry was at least necessary before they legislated. The bill for regulating the Court passed in July, 1830, and he really thought the right hon. Gentleman should not effect a change without inquiry, and thereby convincing the country that Parliament acted, not upon the principle of jobbing, but the public interest.

The *Solicitor General* said, it was a mistake to say this measure would reflect any disgrace upon Scotland. Not one of the Gentlemen who opposed the Bill had said there was any business in the Court. Before 1794, the Court consisted of five Judges, which by an Act, the 1st of the King, they cut down to two Judges. It was clear upon the facts, that the Act to which he alluded passed without inquiry, and, if so, on what ground were hon. Gentlemen on his side of the House to be charged with smuggling a bill through the House without inquiry? Consistently with their own conduct, the Gentlemen who opposed the Government on such grounds could not be sincere.

Sir Charles Wetherell concurred in what had fallen from the noble Lord, who said when an office was to be abolished the officer was entitled to compensation; but still he could not admire this Bill. It had been said this Scotch Exchequer Bill and the Bankruptcy Courts Bill were to run in couples. It did not appear at first sight how those Bills could run together, one being a measure of destruction, and the other of construction, but, taken jointly, both produced a job. In the abolition of former Courts, and the construction of new Courts, they had always proceeded on parliamentary inquiry. It was not enough for any Member to say there was ground for the abolition of a Court. No papers had been laid on the Table. There had been no parliamentary inquiry. Upon the mere *dictum* of a noble and learned Lord this Court was to be abolished. According to the *Solicitor General's* argument, the reduction of the Judges of the Court of Exchequer was the extinction of that Court. To whom was the business of the

Court to be transferred? It was said the Court of Session could do it; but he might ask, whether it would not have been advisable to do with the Exchequer in Scotland as they did with the Exchequer in England, namely, to give the Judges more to do? The Bill was false in its title. It was in fact a Bill to give the right hon. James Abercromby 2,000*l.* a-year. The preamble of the Bill was to provide for the despatch of business, and it would appear from these words that the business was oppressive; yet they were told the Court was to be abolished in consequence of the want of something to do. The Court of Exchequer in Scotland was to be demolished because it pleased the Government to put Mr. Abercromby in the office of a Commissioner to execute the purposes of the Parliamentary Reform Bill, which he believed would never pass into a law. It was at that moment in *extremis* in another place. The two Bills were co-equal and similar; they were co-companions; and his hope was, that both might meet the same fate. He should join in supporting the motion, he understood his hon. friend intended to move, that the further proceedings on this Bill should be adjourned to this day six months.

Mr. Serjeant *Wilde* said, the Bill did not propose to do away with the Court of Exchequer, but to transfer its functions to the Judges of another Court, who would perform its duties without expense. It had been established at the Union only, and could, therefore, lay no claim to remote antiquity. If it was intended to establish a new Court there might be some ground for inquiry before the House, but certainly that necessity did not exist when an old and useless one was to be dispensed with. The Bill, however, did not abolish the Court, it merely provided that the vacancies of the Judges as they occurred should not be filled up, and the business should be transferred to the Court of Session. The Judges of the Exchequer Court could not be forced to retire, but they might be induced to do so by a pension which was less than their salaries, and all the difference between the two would be a real saving to the public.

Sir *William Rae* opposed the Bill, and gave notice, if it should be read a second time, it was his intention to move it be referred to a Select Committee. The hon. and learned Gentleman moved the Debate be adjourned to Monday.

On the question being put, Sir *George Warrender* said, that the Court of Exchequer of Scotland was one in which the rights of property were involved, and the abolition would be a violence to the feelings of many persons in Scotland.

Sir *Charles Forbes* thought this Bill might give them a tolerable idea of the nature of the Scotch Reform Bill; it would go to destroy all the ancient institutions of the country "at one fell swoop." He was afraid the end of all these alterations would be, that the name of Scotland itself would be abolished, and it would ultimately come to be a department of the United Kingdom.

Sir *William Rae* withdrew his Amendment, and the House divided on the motion that the Bill be now read a second time.

Ayes 95; Noes 31;—Majority 64.

Bill read a second time.

#### HOUSE OF LORDS, Monday, October 10, 1831.

MINUTES.] Bills. Committed; Cotton Factories. Read a third time; Management of the Customs.

Petitions presented. By the Earl of SHAFTESBURY, the Duke of RICHMOND, and other NOBLE LORDS, from places in Ireland, in favour of the Galway Franchise Bill. In favour of Reform. By the Marquis of WATERFORD, from the Inhabitants of Batley, in the County of York:—By the Duke of SUMMERSET, from the Town of Masham, in the County of York:—By the Marquis of CLEVELAND, from Stockton-on-Tees, Durham:—By the Duke of NORFOLK, from the Inhabitants of New Shoreham:—By the Duke of RICHMOND, numerous and respectfully signed, from the Inhabitants of Horsham, Sussex:—By Lord SUFFIELD, from Haslingdon, Lancashire:—By Lord TEMPLEMORE, from the Inhabitants of Fiskard:—By Lord KING, from the Mayor and Inhabitants of Beverley, and Inhabitants of Sileby. By a NOBLE LORD, from Thurnham and Debling in Kent. By a NOBLE LORD, from Inhabitants of Killebeg and Chapel, to disband the Yeomanry in Ireland. By the Marquis of CLEVELAND, from the Inhabitants of Dublin, complaining of the Grievance of Minister's Money. Against the Reform Bill. By Lord ROLLE, from Kingsbridge, Devon. By the Earl of FIFE, from the Inhabitants of Marylebone against Cruelty to Animals; and from the Landholders of Banff, against the use of Molasses in Breweries and Distilleries.

STANDING ORDERS — PROTESTS.] The Earl of *Radnor* said, that being anxious, as other noble Lords were, to enter his name in the protest against the amendment of the noble Baron (Wharnccliffe), which had been carried on Saturday morning last, he rose to move, and he supposed that no objection would be taken to his motion, that they should be allowed to do so. Their Lordships were aware that it was competent for any noble Peer to enter his protest to any vote of the House before two o'clock the next sitting day after such

vote had been come to, and to sign his name before the rising of the House on that day. Now the House rose so early on Saturday, that many noble Lords who came down for the purpose of signing the protest which had been entered on the Journals were prevented from doing so. As it would be only fair to give them an opportunity, he begged to move, that all noble Lords who wished to sign the protest in question should be at liberty to do so until the rising of the House that day.

The Earl of *Rosslyn* said, he had no objection to the Motion, but he begged it to be understood it was not acceded to as a matter of course, or upon which a precedent was to be founded.

Motion agreed to.

SCOTCH APPEALS.] The *Lord Chancellor* begged to submit a Bill to their Lordships, for the purpose of reversing a decree of their Lordships with reference to an appeal case from the Courts below in Scotland, as the said decree was utterly and completely inconsistent and at variance with the Scottish law on the subject. The case to which he was alluding had been decided by some of their Lordships who were unacquainted with the law of Scotland, and the consequence was, that the decision was quite contrary to that law and completely contrary to Scotch practice, and that no man that knew any thing of Scotch law would have ever pronounced such a decision. The thing had happened in the press of business, and arose from that *inopia consilii* with regard to Scotch law which they had often to lament. The decision, however, being utterly at variance with the Scotch law, it was necessary to rescind it, and for that purpose, on the suggestion of the Judges of the Courts below in Scotland, with whom he had had a correspondence on the subject, and with the consent of the parties on both sides, he now brought in a Bill, with a view to reverse that decision, and to place the case in the same circumstances that it was in previous to that decision being pronounced. His noble and learned friend who preceded him in the situation which he (the *Lord Chancellor*) filled, quite concurred with him as to the necessity of such a measure. He felt it due to himself to state, that the decision in question was pronounced some months before he (the *Lord Chancellor*) had the honour of a seat in that House, for it was pronounced

in the Spring of 1830. As the case was pressing, and as there might be but very short time for passing this Bill, he begged to move that it be read a first time now; and he gave notice that to-morrow he would move the suspension of the Standing Orders, in order that the Bill might be passed through all its stages as a matter of course.

Lord *Lyndhurst* quite concurred with his noble and learned friend as to the necessity of passing such a Bill. He felt bound to state, that the judgment in question was pronounced during his (Lord *Lyndhurst's*) absence from the House, by a noble and learned Lord near him (Lord *Wynford*).

Lord *Wynford* said, that the noble and learned Lord on the Woolsack had given him no intimation of such an attack as this upon a judgment pronounced by him.

The *Lord Chancellor* was greatly astonished to hear such a statement made by the noble and learned Lord. The noble and learned Lord's memory quite deceived him. The noble and learned Lord had only to look amongst his papers, and he was sure he would find a draught of this very Bill, which he (the *Lord Chancellor*) gave to him some months ago. He also mentioned to the noble and learned Lord the correspondence which he had with the Judges of the Courts below in Scotland on the subject, and the absolute necessity there was for such a measure as this. The fact was, that in consequence of his having given the draft of the Bill to the noble and learned Lord, he was obliged to send, a few days ago, when he wanted a draft of it, to the professional gentlemen engaged in the case. He brought in the Bill thus suddenly, as it was most desirable that in the present state of the Session no time should be lost in passing it through the House.

Lord *Wynford* said, that if the noble and learned Lord had sent him a draft of this Bill, he could assure him that this was the first time that he had ever heard of this Bill. He had heard something before of a draft of a bill, but he had not heard of what description it was.

The *Lord Chancellor* said, that the noble and learned Lord certainly laboured under a mistake on this point. He (the *Lord Chancellor*) distinctly remembered having mentioned the subject to him at the Table. He remembered having told the noble Lord on that occasion, that he

was informed by the Judges in Scotland, that the judgment of the House in the case of M'Gabbinn and Stewart could not be executed, as there was no such thing known under the Scotch law as a Special Jury of merchants, to which the case was ordered to be referred. He remembered his conversation with the noble and learned Lord as if it were but of yesterday; he could attest it upon oath before any Jury, and he was as certain of that fact as he was that the noble and learned Lord had the draft of the Bill which he (the Lord Chancellor) sent to him, and would find it in his private depository if he looked for it.

Bill read a first time.

**PUBLIC WORKS—IRELAND.]** Viscount Melbourne moved the third reading of the Public Works (Ireland) Bill.

Lord Carbery regretted the Bill should have been brought forward at so late a period in the Session, when it could hardly receive the attention to which it was well entitled: he was friendly to its object, although he objected to that clause which gave additional power to Grand Juries to make assessments.

The Marquis of Westmeath strongly objected to that clause in the Bill which gave additional powers to Grand Juries in Ireland with regard to levying money. After the delinquencies which had been proved on the part of such bodies, it was to be hoped that some check would be placed on their proceedings, instead of having additional powers thus given to them. He would oppose that part of the Bill, were it not that his doing so might prevent the Bill, which would be otherwise productive of advantage to Ireland, from passing this session.

The Earl of Wicklow thought that this Bill would be a most useful one to the country, and he entirely approved of that part of it to which the noble Marquis had objected.

Viscount Melbourne, referring to a complaint which the noble Lord (Carbery) made, of this Bill having been brought on at this late period of the Session, observed, that that circumstance arose from the vast quantity of business which was to be done, and the difficulty there was found in transacting it; and that such a complaint did not refer more to the business of Ireland than to that of any other portion of the empire. The object of this Bill was, to

assist and relieve Ireland by the loan of money for the erection of public works, and he was assured, that if Grand Juries were not to be empowered to borrow money for that purpose, the Bill would be a dead letter, and of no practical use whatever. Great checks were at the same time provided in the Bill, to prevent the abuse of such powers.

Bill read a third time and passed.

## HOUSE OF COMMONS,

*Monday, October 10, 1831.*

**MINUTES.]** New Members sworn. Sir JOHN BYRN, for Poole, and HENRY GLYNN, Esq., for Flint, Borough.

Returns ordered. On the Motion of Mr. JERMON, the number of Irish Newspaper Stamps issued during the year 1830:—By Sir JOHN HAY, for a Return of the sums due to the Excise for additional duties on Spirits under 1st William 4th:—By Mr. SPRING RICE, for a Copy of the Treasury Minute, relating to the Improvement of the Crown Lands (Ireland); and for a Copy of the Report of the Commissioners of Accounts, relating to the Exchequer.

Petitions presented. By an Hon. MEMBER, from the Gentry, Clergy, and others Inhabitants of Bassetlaw (Nottingham), against allowing Beer to be drank on the premises of Bushouses. By an Hon. MEMBER, from Landowners and Occupiers in the County of Suffolk, complaining of the Tithe Laws. By an Hon. MEMBER, from Agricultural Labourers in East Stoneham and five other places for the Repeal of the Malt Duty. By Sir FRANCIS BURDETT, from the Inhabitants of St. Clement's Danes, in favour of Reform.

A Call of the House took place on the Motion of Lord EBRINGTON.

**STATE OF THE NATION.]** After the presentation of one or two petitions, the Speaker wished to know whether it was the pleasure of the House, that he should proceed with reading the petition list? ["No, no;" calls for "Lord Ebrington."]

Lord Althorp thought it would be desirable that the Orders of the Day should give way to the motion of his noble friend, so as to admit of its receiving that fulness of discussion which its importance merited.

Mr. Goulburn hoped, that in the event of the Debate's extending to a late hour, the more important motions and orders of the day would not be brought forward. In an exhausted state of the House, it was plain that they could not receive the meet amount of deliberation.

Lord Althorp agreed with the right hon. Gentleman, and therefore would make the length of the debate on his noble friend's Motion the criterion of his moving or postponing the other Motions and Orders of the Day till to-morrow.

Lord Ebrington, in answer to the almost unanimous call of the House, proceeded as follows:—Mr. Speaker; If, often as I have had to address this House, I never

could do so without experiencing a certain degree of difficulty and embarrassment, it might naturally be expected, that on an occasion like this, that difficulty and that embarrassment would be increased ten-fold. But so momentous are the circumstances under which the House is at present assembled, so awful is the crisis of public affairs under which I feel myself called upon to address you, that I must confess the sense of the importance of the occasion supersedes all that private and personal feeling which has weighed so heavily on me at other times, and gives me a degree of encouragement which I never before felt, in my humble endeavour to perform the great and solemn duty which I have this night engaged to discharge. Sir, I have, moreover, the satisfaction of knowing, that the fate of the Motion which I shall do myself the honour of submitting to the House, will not be determined by any arguments which my feeble voice may urge in its favour. I am well aware that there are sitting around me many individuals of great and acknowledged ability, who have read the signs of the times, and who are acquainted with the circumstances in which the country is placed, much better than I can pretend to be, and who are ready to support me in the course which I humbly propose to take. Their statements and their arguments will give ten-fold force and impression to any thing that I may be able to say on the subject. I have also, Sir, the satisfaction of knowing, that the course which I am about to recommend to this House is simply a confirmation of that which they have already declared to be their opinion. And I am convinced that the House of Commons, which has had the virtue and the manliness to acknowledge its own deficiencies, and to pass a bill for its own reformation, will not be at the present time disposed to recede from maintaining its own consistency, from vindicating its own rights, and from redeeming those pledges which its Members have so solemnly given to their constituents. Sir, I do not deny that I am one of those by whom such pledges have been given. I did not give those pledges for the paltry purpose of securing my seat in this House; for I believe that if such had been demanded of me, I might, from feelings of perhaps false delicacy, and false pride, have considered the demand as implying suspicion of my conduct, and might have refused both the pledge and

the seat. But I gave those pledges to those whom I have the honour to represent, because, although in some respects it did not go to the full extent of my own opinion, the Bill appeared to me to unite the suffrages of a larger portion of the people of England in its favour, than I had conceived it possible could have been accomplished by any measure that any set of men could have devised. Sir, before I proceed to the particular subject of my Motion, I shall take the liberty of calling the attention of the House to the circumstances under which my hon. friends near me were called to administer the affairs of this country. I will not go into the details of that appalling period—a period so appalling, that I almost despaired of the possibility of discovering any means by which society might be restored to its proper and healthy state. In saying this, I have no wish to revert to any occurrence, for the purpose of throwing unnecessary odium on the predecessors of his Majesty's present Government. But this I may at least say, that without having recourse to any extraordinary exercise of force, without proposing any new penal enactment, his Majesty's Government did succeed in restoring the tone and security of society, and in putting an end to the scenes of conflagration and disturbance which desolated the southern counties of the kingdom; and moreover, that they framed a measure, which, as I have before said, was satisfactory to a greater extent than could possibly have been anticipated, to those powerful and influential middle classes, among whom, I am sorry to say, were to be found many who were not exempt from the discontent which previously prevailed. But, Sir, has the Reform Bill, which was agreed to by this House after such long and such frequent discussions, has it prevented my hon. friends from doing any thing else for the benefit of the country during the last twelve months? Have the poor of the country derived no benefit from the taking off the tax upon coals and candles? Has the moral, and thinking, and reflecting part of the community no cause for satisfaction in the repeal of the Game Laws, which, in spite of the exertions of the humane and enlightened, aided by the support of the right hon. Baronet opposite, had continued, session after session, to defy the strenuous and repeated attempts made to procure their abolition? Has the suitor in Chancery gained nothing by the



gigantic measures of that great man, of whose almost super-human eloquence in another place I will not speak—has his suitor in Chancery gained nothing by the gigantic efforts to clear the Augean stable of all that accumulated load which has so long oppressed the unfortunate suitor in that Court? These, Sir, are some of the grounds on which I think my hon. friends near me have a right to claim the support and confidence of the House. I may, perhaps, be suspected of taking a partial view of their conduct. Undoubtedly, strong habits of private and public regard have grown out of that intimate knowledge which I have possessed for above a quarter of a century of the worth and integrity of my noble friend below me. But, entertaining as I do this predilection for him, I will not be of him, I will not be of any man, the flatterer, or the unqualified panegyrist. I am not, as we were told we were in former debates, I am not—

*"addictus jurare in verba magistri."*

For, with all my respect for my noble friend and his colleagues, I am free to say, that I think their Administration is justly chargeable with certain errors, which, however pure and amiable their motives may be, have been highly detrimental to the public interests. I think, Sir, that in England, and still more in Ireland, there has been too much halting between two opinions; that there has been too great a disposition to conciliate those who never can be conciliated by the acts of what I should call a just and liberal Government; and that there have been some instances of their overlooking the claims of old and tried friends, who had always given them their cordial and zealous support. I think that my noble friend at the head of the Administration has in some things which he has done, and in other things which he has left undone, consulted more the unsuspecting kindness of his own generous nature than the exigency of public affairs and the necessity of supporting his own Government warranted; and if I am not mistaken, my noble friend has, during the last two or three days, received a pretty severe lesson on that score. I trust he will fall into such errors no more. I trust that, if by the vote of this night—and on that vote the fate of the Government and of the empire depends—I trust that, if by the vote of this night, and by the confidence reposed in him by this House, my noble friend should preserve, as I pray

to God he may, his station at the head of the affairs of this country, he will hereafter abandon that too temporizing policy which has in some instances marked the measures of his Administration. This advice I trust my noble friend will not despise; for I can assure him that it is the opinion of many other staunch friends of the present Government, and I feel the less scruple in expressing it, as there is hardly any service which I am not willing to perform for this Government, except that of taking an official situation under them. Sir, in speaking of the merits of my noble friend the Lord Chancellor, I omitted to state one or two things which redound as much to that noble and learned Lord's honour as any of those matters which I have described. I omitted to state, that with a generosity inferior only to his sense of public duty, he reduced the emoluments of his situation to 7,000*l.*; emoluments which, arising from fees in bankruptcy, in a former year accumulated, as I have been told, to 23,000*l.* And in establishing a Court of Bankruptcy he has refused, in compensation of the sacrifice which he has made, any addition to his retiring pension. Sir, if in asserting the right of my noble friend and my hon. friends, to the confidence of the House and the country, I have put other matters more forward than the great measure, the loss of which we are considering to-night, it is because their services in those particulars are less generally known; and because I wish to establish their claim to the confidence of the House, to that confidence which I am sure the whole country will echo, as well on their other measures as on that great and all important measure, without which I readily admit all the rest would be of no avail; and which, whenever it takes effect, as I trust it will after no very long delay, if the House of Commons are true and consistent, if the people are orderly and quiet, and if the Government are firm and persevering, will consolidate and confirm all the other blessings of the British Constitution. Sir, I have hitherto avoided saying anything, and in what remains I shall dwell as shortly as possible on what has passed in another place. It cannot be my interest, I am sure it is not my wish, to speak harshly of the members of the other House of Parliament. There are among them many friends of mine who I conceive have taken a most unfortunate and mistaken view of

this great subject, but who I am sure are as incapable of giving a dishonest or corrupt vote on any question, as I hope I am myself, and the same credit which I claim on such points I am willing, and am indeed bound, to give to all who composed the recent majority of the House of Lords. But one above all by far the most able, the most eloquent, and the most enlightened, of all the opponents of the measure—I am sure no one will mistake the individual to whom I allude; [*The noble Lord was understood to mean the Earl of Harrowby*] one to whom I am attached not more by the ties of family connection than by those of the greatest respect and affection; a man distinguished by every thing most amiable in private, by every thing most honourable and disinterested in public life. He, I am sure, has on this, as on every other occasion, been swayed by the purest and most patriotic motives; by the conviction that in the course he was taking he was consulting that which has been the sole object of his political career—the best interests of his country. I say this of my noble friend; and I am sure I am not disposed to speak disrespectfully or unkindly of those who coincided with him in opinion. And I trust those of my hon. friends who may follow me will allow me respectfully to urge my earnest request that they will exercise the same forbearance. I have practised this forbearance in the Resolution with which I shall conclude, to the utmost extent that I could, consistently with what is due to my own opinion—consistently with what is due to the recorded sense of this House—consistently with what is due to the pledge which I have given to my constituents—and, what is still more important—consistently with what I conceive to be our duty to the peace and safety of the country. I will now conclude by moving this Resolution:—“That while this House deeply laments the recent fate of a Bill for reforming the Representation, in favour of which the opinion of the country stands unequivocally pronounced, and which has been matured by discussions the most anxious and laborious, it feels called upon to re-assert its firm adherence to the principle and leading provisions of that great measure; and to express its unabated confidence in the integrity, perseverance, and ability of those Ministers who, in introducing and conducting it, have so well consulted the best interests of the country.”

Mr. Charles Dundas said, he felt highly gratified in seconding the Resolution proposed by his noble friend, and in having an opportunity to express his undiminished attachment to the cause of Reform. He hoped that the House would, on the present occasion, come forward in that decided manner which would insure the tranquillity of the country, now so much endangered. He likewise hoped that Government would quiet the mind of the country by making that night an explicit declaration, that they were determined to persevere in endeavouring to carry that measure which had been so unhappily defeated.

Mr. Goulburn said, that in rising to offer some observations on what had fallen from the noble Lord on the other side of the House, and on the Motion with which the noble Lord had concluded, he felt it to be his duty, at the moment of such great and natural excitement as the present, to adopt the example of the noble Lord, so far as to avoid any topic which might lead to ill-will, or might promote irritation. However he might differ on other points with the noble Lord, he fully concurred with him in abstaining from all expressions indicative of violent feelings, as the noble Lord had done, with regard to the House of Peers; and he congratulated the House that they could discuss the existing state of affairs without denying to the House of Peers those rights which, if they were disputed, they should be most ready to vindicate for themselves. He rose to follow the noble Lord, deeply impressed with the necessity of expressing his opinions in such a manner as would avoid any irritation or ill-will. The noble Lord had told them, that in propounding this Motion he rose under a deep sense of the duty which he owed to himself and to his constituents. He could assure the House and the noble Lord, that he also rose under as deep a sense of what he owed to his own intelligent constituents, the members of the University of Cambridge, that he was discharging a conscientious duty, both to himself and to his constituents, in opposing the resolution of the noble Lord. He was quite sure, that after the proceedings which had recently taken place in that House, the noble Lord would not expect him to concur in a resolution which tended to stultify all the proceedings which Gentlemen on his side of the House had taken against this Bill. If, in opposing this Motion, he forebore to enter into the

arguments which justified the Opposition in opposing the views of Government, not only on the Reform Bill, but on other measures which they had brought forward—commercial, political, and financial—he was sure that the House would give him credit for so abstaining only under the idea that he was influenced by the paramount consideration of not doing anything which could promote an angry feeling, or add to the excitement which at present prevailed. As he had already expressed an opinion on all the topics included in the speech of the noble Lord, he trusted that the House would not deem it necessary for him to repeat the arguments which he had urged on former occasions to vindicate his sincerity on this subject. The noble Lord thought that this Resolution was necessary to vindicate the consistency of the House of Commons. Now he wished to know in what manner the consistency of the House would be vindicated by such a resolution? Had not the House already declared its opinion by passing the Bill, and was it to be told, after the Bill was lost in the other House of Parliament, that it was necessary that the House should, to establish a principle which it had already fully vindicated, come to another resolution, declaring that it had not departed from it? It was not necessary that on occasions where the two Houses of Parliament differed, each should come to a separate conclusion afterwards. Indeed, he knew of no process which would more inevitably lead to a collision between the two branches of the Legislature. On the contrary, he thought that such a proceeding would lead to perpetual dissensions between the two Houses of Parliament. When the noble Lord called upon Members of the House of Commons to couple their opinions on the Reform Bill with a vote of unabated confidence in his Majesty's Government, a tempting opportunity was presented to him, but he would not be betrayed by it into a specification of the different arguments which induced him to resist such a motion. He would only appeal to such measures as had been introduced into Parliament since Earl Grey had come to the head of affairs, and he would ask the noble member for Devonshire himself, whether, after the manner in which the noble Earl's measures had been opposed in that House, and after the many alterations which had been made in them, in consequence of the ob-

jections of himself and the hon. friends around him, he (Mr. Goulburn) could be accused of any disposition to excite irritation, when he stated that he merely intended to meet this Resolution with a negative? The noble Lord had introduced into this debate the grounds on which he thought that the House ought to place confidence in his Majesty's present Government. Those grounds were limited to three distinct points—first, the financial operations of the noble Lord opposite (Lord Althorp); secondly, to the new Game law; and, thirdly, to the disinterested conduct of the Lord Chancellor. With regard to the first—namely, the relief which had been afforded to the people by the remission of taxes on two articles—the noble Lord seemed not to be aware that the House was not in a condition to judge whether the reduction of the duty would produce a benefit to the people commensurate to the injury of the revenue: for the candle-duty, be it observed, was still in full operation; and whilst that was the case, it was a little too hard to call on the House of Commons for a vote of confidence in his Majesty's Ministers for the great efforts which they had made to reduce taxation. As to the other tax which was stated to be repealed, and which was still in full operation, it would be well if the House would recollect the condition in which that tax was still placed. The public had made a large sacrifice of revenue, little short of 1,000,000*l.* per annum, yet, as far as could be judged from the diminution in the price of the commodity taxed, the advantage to the people was only 250,000*l.* How, then, could the noble Lord be justified in calling for the confidence of the House of Commons upon two measures of finance, one of which had not come into operation, and of which the other, as far as it had come into operation, was not much calculated to excite the admiration of the country for the taste of those who presided over the repeal of taxation. With regard to the Game laws, he should prefer seeing how that measure acted when it came into operation, before he gave any opinion upon it; and as its operation would not commence for some time to come, he did not think that the confidence of the House of Commons could be fairly claimed upon that score. But then the noble Lord assumed the conduct of the Lord Chancellor, who was only a part of the Administration,

was a ground for the confidence of the House in the conduct of the whole Administration. He did not intend to say any thing disrespectful of Lord Brougham. There was no man who entertained a higher opinion than he did of that noble Lord's talents; but when he looked on the conduct of so high an officer of the State, it was not enough to say that he had disposed of all the causes in his Court, and had got rid of all the appeals left by his predecessors. The decisions of tribunals of this kind required the sanctions of age, and if, after the lapse of fifty years, the decisions of the noble Lord should meet with the same respect as those of another noble and learned Lord, who had already occupied the Woolsack for nearly that time—if, at the end of that time, the noble and learned Lord should appeal to him for his approbation, then he would be prepared to say to the noble Lord, and the country would be prepared to say with him, "We will now give you that meed of approbation which we withhold from you in this the first year of your holding office." The noble Lord had then alluded to the disinterested conduct of the Lord Chancellor in his measure for reforming the Court of Chancery. He (Mr. Goulburn) did not mean to question Lord Brougham's contempt for pecuniary consideration; but, if he was not much mistaken, he recollected that when his measure was first opened to the House of Commons, the amount of patronage and fees in bankruptcy was to be made up to the noble Lord in the amount of his retiring pension. He was well aware that since that time the noble Lord at the head of the Exchequer had told the House that the Lord Chancellor had requested that the question of compensation should be deferred till the Bankruptcy bill was passed. For a long series of years past, he had had the honour of a personal acquaintance with the noble Lord opposite (Lord Althorp). In the course of that time they had often differed politically—never, he believed, personally. He was, therefore, sure that the noble Lord (Ebrington) would excuse him when he stated, that on grounds of personal friendship he could not consent to this vote of confidence in the Administration of his noble friend. He saw nothing in the measures which this Administration had either proposed or carried which would justify such confidence. The noble Lord opposite (Lord Ebrington) had

called the attention of the House to that part of the united kingdom for whose safety he and his late colleagues in the Government had made such sacrifices. Now, if the advice of the noble Lord was, that Government should abandon that inflexible impartiality which ought to distinguish all Governments, and if his opinion were, that the Government should throw itself entirely into the hands of one party in that country, he would tell the noble Lord, that if that advice were followed it would not only deprive the Government of that confidence which it enjoyed at present, but would also involve the country in consequences most disastrous to its prosperity and glory. He would not trespass further on the attention of the House; he would only say, that as he could not concur in this Resolution, he would meet it with his most unequivocal resistance.

Mr. Macaulay: I doubt, Sir, whether any person who had merely heard the speech of the right hon. member for the University of Cambridge, would have been able to conjecture what the question is which we are discussing, and what the occasion on which we are assembled. For myself I can with perfect sincerity declare, that never in the whole course of my life did I feel my mind oppressed by so deep and solemn a sense of responsibility as at the present moment. I firmly believe that the country is now in danger of calamities greater than ever threatened it, from domestic misgovernment or from foreign hostility. The danger is no less than this—that there may be a complete alienation of the people from their rulers. To soothe the public mind, to reconcile the people to the delay—the short delay—which must intervene before their wishes can be legitimately gratified; and, in the mean time, to avert civil discord, and to uphold the authority of law—these are, I conceive, the objects of my noble friend, the member for Devonshire—these ought, at the present crisis, to be the objects of every honest Englishman. They are objects which will assuredly be attained, if we rise to this great occasion—if we take our stand in the place which the Constitution has assigned to us—if we employ, with becoming firmness and dignity, the powers which belong to us as trustees of the nation, and as advisers of the Throne. Sir, the Resolution of my noble friend consists of two parts. He calls upon us to declare our undiminished attachment to the prin-

ciples of the Reform Bill, and also our undiminished confidence in his Majesty's Ministers. I consider these two declarations as identical. The Question of Reform is, in my opinion, of such paramount importance, that, approving the principles of the Ministerial Bill, I must think the Ministers who have brought that Bill forward, although I may differ from them on some minor points, entitled to the strongest support of Parliament. The right hon. Gentleman, the member for the University of Cambridge, has attempted to divert the course of the Debate to questions comparatively unimportant. He has said much about the coal-duty, about the candle-duty, about the budget of the present Chancellor of the Exchequer. On most of the points to which he has referred, it would be easy for me, were I so inclined, to defend the Ministers; and where I could not defend them, I should find it easy to recriminate on those who preceded them. The right hon. member for the University of Cambridge has taunted the Ministers with the defeat which their measure respecting the timber trade sustained in the last Parliament. I might, perhaps, at a more convenient season, be tempted to inquire whether that defeat was more disgraceful to them or to their predecessors. I might, perhaps, be tempted to ask the right hon. Gentleman, whether, if he had not been treated, while in office, with more fairness than he has shown while in opposition, it would have been in his power to carry his best measure—the Beer Bill? He has accused the Ministers of bringing forward financial measures, and then withdrawing those measures. Did not he bring forward, during the Session of 1830, a plan respecting the sugar duties? and was not that plan withdrawn? But, Sir, this is mere trifling. I will not be seduced from the matter in hand by the right hon. Gentleman's example. At the present moment I can see only one question in the State—the Question of Reform; only two parties—the friends of the Bill and its enemies. It is not my intention, Sir, again to discuss the merits of the Reform Bill. The principle of that Bill received the approbation of the late House of Commons after ten nights' discussion; and the Bill, as it now stands, after a long and most laborious investigation, passed the present House of Commons by a majority which was nearly half as large again as the minority. This was

a little more than a fortnight ago. Nothing has since occurred to change our opinion. The justice of the case is unaltered. The public enthusiasm is undiminished. Old Sarum has grown no larger, Manchester has grown no smaller. In addressing this House, therefore, I am entitled to assume that the Bill is in itself a good Bill. If so, ought we to abandon it merely because the Lords have rejected it? We ought to respect the lawful privileges of their House; but we ought also to assert our own. We are constitutionally as independent of their Lordships, as their Lordships are of us; we have precisely as good a right to adhere to our opinion as they have to dissent from it. In speaking of their decision, I will attempt to follow that example of moderation which was so judiciously set by my noble friend, the member for Devonshire; I will only say, that I do not think them more competent to form a correct judgment on a political question than we are. It is certain that on all the most important points on which the two Houses have for a long time past differed, the Lords have at length come over to the opinion of the Commons. I am therefore entitled to say, that with respect to all those points, the Peers themselves being judges, the House of Commons was in the right and the House of Lords in the wrong. It was thus with respect to the Slave-trade—it was thus with respect to Catholic Emancipation—it was thus with several other important Questions. I, therefore, cannot think that we ought, on the present occasion, to surrender our judgment to those who have acknowledged that, on former occasions of the same kind, we have judged more correctly than they have. Then again, Sir, I cannot forget how the majority and the minority in this House were composed; I cannot forget that the majority contained almost all those Gentlemen who are returned by large bodies of electors. It is, I believe, no exaggeration to say, that there were single Members of the majority who had more constituents than the whole minority put together. I speak advisedly and seriously; I believe that the number of freeholders of Yorkshire exceeds that of all the electors who return the Opposition. I cannot with propriety comment here on any reports which may have been circulated concerning the majority and minority in the House of Lords. I may, however, mention these notoriously historical facts—that during

the last forty years the powers of the executive Government have been, almost without intermission, exercised by a party opposed to Reform; and that a very great number of Peers have been created, and all the present Bishops raised to the bench during those years. On this Question, therefore, while I feel more than usual respect for the judgment of the House of Commons, I feel less than usual respect for the judgment of the House of Lords. Our decision is the decision of the nation; the decision of their Lordships can scarcely be considered as the decision even of that class from which the Peers are generally selected, and of which they may be considered as virtual Representatives—the great landed gentlemen of England. I think, therefore, that we ought to adhere to our opinion concerning the Reform Bill. The next question is this—ought we to make a formal declaration that we adhere to our opinion? I think that we ought to make such a declaration; and I am sure that we cannot make it in more temperate or more constitutional terms than those which my noble friend asks us to adopt. I support the Resolution which he has proposed with all my heart and soul; I support it as a friend to Reform; but I support it still more as a friend to law, to property, to social order. No observant and unprejudiced man can look forward without great alarm to the effects which the recent decision of the Lords may possibly produce. I do not predict—I do not expect—open, armed insurrection. What I apprehend is this—that the people may engage in a silent, but extensive and persevering war against the law. What I apprehend is, that England may exhibit the same spectacle which Ireland exhibited three years ago—agitators stronger than the Magistrate, associations stronger than the law, a Government powerful enough to be hated, and not powerful enough to be feared, a people bent on indemnifying themselves by illegal excesses for the want of legal privileges. I fear, that we may before long see the tribunals defied, the tax-gatherer resisted, public credit shaken, property insecure, the whole frame of society hastening to dissolution. It is easy to say—“Be bold—be firm—defy intimidation—let the law have its course—the law is strong enough to put down the seditious.” Sir, we have heard this blustering before; and we know in what it ended. It is the blustering of

little men whose lot has fallen on a great crisis. Xerxes scourging the winds, Canute commanding the waves to recede from his footstool, were but types of the folly of those who apply the maxims of the Quarter Sessions to the great convulsions of society. The law has no eyes; the law has no hands; the law is nothing—nothing but a piece of paper printed by the King's printer, with the King's arms at the top—till public opinion breathes the breath of life into the dead letter. We found this in Ireland. The Catholic Association bearded the Government. The Government resolved to put down the Association. An indictment was brought against my hon. and learned friend, the member for Kerry. The Grand Jury threw it out. Parliament met. The Lords Commissioners came down with a speech recommending the suppression of the self-constituted legislature of Dublin. A bill was brought in; it passed both Houses by large majorities; it received the Royal assent. And what effect did it produce? Exactly as much as that old Act of Queen Elizabeth, still unrepealed, by which it is provided that every man who, without a special exemption, shall eat meat on Fridays and Saturdays, shall pay a fine of 20s. or go to prison for a month. Not only was the Association not destroyed; its power was not for one day suspended; it flourished and waxed strong under the law which had been made for the purpose of annihilating it. The elections of 1826—the Clare election two years later—proved the folly of those who think that nations are governed by wax and parchment—and, at length, in the close of 1828, the Government had only one plain alternative before it—concession or civil war. Sir, I firmly believe, that if the people of England shall lose all hope of carrying the Reform Bill by constitutional means, they will forthwith begin to offer to the Government the same kind of resistance which was offered to the late Government, three years ago, by the people of Ireland—a resistance by no means amounting to rebellion—a resistance rarely amounting to any crime defined by the law—but a resistance nevertheless which is quite sufficient to obstruct the course of justice, to disturb the pursuits of industry, and to prevent the accumulation of wealth. And is not this a danger which we ought to fear? And is not this a danger which we are bound, by all means in our power, to

avert? And who are those who taunt us for yielding to intimidation? Who are those who affect to speak with contempt of associations, and agitators, and public meetings? Even the very persons who, scarce two years ago, gave up to associations, and agitators, and public meetings, their boasted Protestant Constitution, proclaiming all the time that they saw the evils of Catholic Emancipation as strongly as ever. Surely—surely—the note of defiance which is now so loudly sounded in our ears, proceeds with a peculiarly bad grace from men whose highest glory it is that they abased themselves to the dust before a people whom their policy had driven to madness—from men the proudest moment of whose lives was that in which they appeared in the character of persecutors scared into toleration. Do they mean to indemnify themselves for the humiliation of quailing before the people of Ireland by trampling on the people of England? If so, they deceive themselves. The case of Ireland, though a strong one, was by no means so strong a case as that with which we have now to deal. The Government, in its struggle with the Catholics of Ireland, had Great Britain at its back. Whom will it have at its back in the struggle with the Reformers of Great Britain? I know only two ways in which societies can permanently be governed—by public opinion, and by the sword. A Government having at its command the armies, the fleets, and the revenues of Great Britain, might possibly hold Ireland by the sword. So Oliver Cromwell held Ireland; so William 3rd held it; so Mr. Pitt held it; so the Duke of Wellington might perhaps have held it. But to govern Great Britain by the sword—so wild a thought has never, I will venture to say, occurred to any public man of any party; and, if any man were frantic enough to make the attempt, he would find, before three days had expired, that there is no better sword than that which is fashioned out of a ploughshare. But, if not by the sword, how is the country to be governed? I understand how the peace is kept at New York. It is by the assent and support of the people. I understand also how the peace is kept at Milan. It is by the bayonets of the Austrian soldiers. But how the peace is to be kept when you have neither the popular assent nor the military force—how the peace is to be kept in England by a Government acting on

the principles of the present Opposition, I do not understand. There is in truth a great anomaly in the relation between the English people and their Government. Our institutions are either too popular or not popular enough. The people have not sufficient power in making the laws; but they have quite sufficient power to impede the execution of the laws once made. The Legislature is almost entirely aristocratical; the machinery by which the decrees of the Legislature are carried into effect, is almost entirely popular; and, therefore, we constantly see all the power which ought to execute the law, employed to counteract the law. Thus, for example, with a criminal code which carries its rigour to the length of atrocity, we have a criminal judicature which often carries its lenity to the length of perjury. Our law of libel is the most absurdly severe that ever existed—so absurdly severe that, if it were carried into full effect, it would be much more oppressive than a censorship. And yet, with this severe law of libel, we have a Press which practically is as free as the air. In 1819 the Ministers complained of the alarming increase of seditious and blasphemous publications. They proposed a law of great rigour to stop the growth of the evil; and they obtained their law. It was enacted, that the publisher of a seditious libel might, on a second conviction, be banished, and that if he should return from banishment, he might be transported. How often was this law put in force? Not once. Last year we repealed it; but it was already dead, or rather it was dead born. It was obsolete before *le Roi le veut* had been pronounced over it. For any effect which it produced it might as well have been in the Code Napoleon as in the English Statute-book. And why did the Government, having solicited and procured so sharp and weighty a weapon, straightway hang it up to rust? Was there less sedition, were there fewer libels, after the passing of the Act than before it? Sir, the very next year was the year 1820—the year of the Bill of Pains and Penalties—the very year when the public mind was most excited—the very year when the public Press was most scurrilous. Why then did not the Ministers use their new law? Because they durst not; because they could not. They had obtained it with ease; for in obtaining it they had to deal with a subservient Parliament. They could not execute it;

for in executing it they would have had to deal with a refractory people. These are instances of the difficulty of carrying the law into effect when the people are inclined to thwart their rulers. The great anomaly, or, to speak more properly, the great evil which I have described, would, I believe, be removed by the Reform Bill. That Bill would establish perfect harmony between the people and the Legislature. It would give a fair share in the making of laws to those without whose co-operation laws are mere waste paper. Under a reformed system we should not see, as we now often see, the nation repealing Acts of Parliament as fast as we and the Lords can pass them. As I believe that the Reform Bill would produce this blessed and salutary concord, so I fear that the rejection of the Reform Bill, if that rejection should be considered as final, will aggravate the evil which I have been describing to an unprecedented, to a terrible extent. To all the laws which might be passed for the collection of the revenue, or for the prevention of sedition, the people would oppose the same kind of resistance by means of which they have succeeded in mitigating—I might say in abrogating—the law of libel. There would be so many offenders, that the Government would scarcely know at whom to aim its blow. Every offender would have so many accomplices and protectors, that the blow would almost always miss the aim. The veto of the people—a veto not pronounced in set form, like that of the Roman Tribunes, but quite as effectual as that of the Roman Tribunes—for the purpose of impeding public measures, would meet the Government at every turn. The Administration would be unable to preserve order at home, or to uphold the national honour abroad: and at length men who are now moderate, who now think of revolution with horror, would begin to wish that the lingering agony of the State might be terminated by one fierce, sharp, decisive crisis. Is there a way of escape from these calamities? I believe that there is. I believe that if we do our duty—if we give the people reason to believe that the accomplishment of their wishes is only deferred—if we declare our undiminished attachment to the Reform Bill, and our resolution to support no Minister who will not support that Bill, we shall avert the fearful disasters which impend over the country. There is danger that, at this conjuncture,

men of more zeal than wisdom may obtain a fatal influence over the public mind. With these men will be joined others, who have neither zeal nor wisdom—common barrators in politics—dregs of society which, in times of violent agitation, are tossed up from the bottom to the top, and which, in quiet times, sink again from the top to their natural place at the bottom. To these men nothing is so hateful as the prospect of a reconciliation between the orders of the State. A crisis like that, which now makes every honest citizen sad and anxious, fills these men with joy, and with a detestable hope. And how is it that such men, formed by nature and education to be objects of mere contempt, can ever inspire terror? How is it that such men, without talents or acquirements sufficient for the management of a vestry, sometimes become dangerous to great empires? The secret of their power lies in the indolence or faithlessness of those who ought to take the lead in the redress of public grievances. The whole history of low traders in sedition is contained in that fine old Hebrew fable, which we have all read in the Book of Judges. The trees meet to choose a king. The vine, and the fig-tree, and the olive-tree, decline the office. Then it is that the sovereignty of the forest devolves upon the bramble: then it is that from a base and noxious shrub goes forth the fire which devours the cedars of Lebanon. Let us be instructed. If we are afraid of Political Unions and Reform Associations, let the House of Commons become the chief point of political union; let the House of Commons be the great Reform association. If we are afraid that the people may attempt to accomplish their wishes by unlawful means, let us give them a solemn pledge that we will use in their cause all our high and ancient privileges—so often victorious in old conflicts with tyranny—those privileges which our ancestors invoked, not in vain, on the day when a faithless King filled our House with his guards, took his seat, Sir, on your chair, and saw your predecessor kneeling on the floor before him. The Constitution of England, thank God, is not one of those Constitutions which are past all repair, and which must, for the public welfare, be utterly destroyed. It has a decayed part; but it has also a sound and precious part. It requires purification; but it contains within itself the means by which that purification may be effected,



We read that in old times, when the villeins were driven to revolt by oppression, when the castles of the nobility were burned to the ground—when the warehouses of London were pillaged—when a hundred thousand insurgents appeared in arms on Blackheath—when a foul murder perpetrated in their presence had raised their passions to madness—when they were looking round for some captain to succeed and avenge him whom they had lost—just then, before Hob Miller, or Tom Carter, or Jack Straw, could place himself at their head, the King rode up to them and exclaimed, “I will be your leader”—and at once the infuriated multitude laid down their arms, submitted to his guidance—dispersed at his command. Herein let us imitate him. Our countrymen are, I fear, at this moment, but too much disposed to lend a credulous ear to selfish impostors. Let us say to them, “We are your leaders—we, your own House of Commons—we, the constitutional interpreters of your wishes—the knights of forty English shires, the citizens and burghesses of all your largest towns. Our lawful power shall be firmly exerted to the utmost in your cause; and our lawful power is such, that when firmly exerted in your cause it must finally prevail.” This tone it is our interest and our duty to take. The circumstances admit of no delay. Is there one among us who is not looking with breathless anxiety for the next tidings which may arrive from the remote parts of the kingdom? Even while I speak the moments are passing away—the irrevocable moments pregnant with the destiny of a great people. The country is in danger; it may be saved; we can save it. This is the way—this is the time. In our hands are the issues of great good and great evil—the issues of the life and death of the State. May the result of our deliberations be the repose and prosperity of that noble country which is entitled to all our love; and for the safety of which we are answerable to our consciences, to the memory of future ages, to the Judge of all hearts!

Sir Charles Wetherell: “Sir, I cannot rise to address you, without first offering my humble tribute of applause to the eloquent and masterly speech of the hon. and learned Gentleman who has just concluded. I am sure that all in this House will agree with me in saying, that that hon. and learned Gentleman cannot rise to ad-

dress you without delivering a speech that will end in producing the cheers of all around him. It is impossible for him not to extort from even those who disagree from him that sincere tribute of applause which must be expected to be drawn forth by eloquence, by flights of fancy, and by illustrations of reasoning such as have flowed from the hon. and learned Gentleman. His speech has produced such general, as well as such loud and triumphant expressions of applause, that if it were not for the political arguments he has used, both sides of the House might equally attribute to themselves the expression of them. I feel, therefore, Sir, that I am labouring under a disadvantage in rising to speak after the hon. and learned Gentleman. I must, however, do so, in order to take the earliest opportunity of expressing my opinion on this Motion. The hon. and learned Gentleman stated, that he would follow the example of moderation set him by the noble Lord; and if he had done so it would have been well; for the noble Lord allowed his principle and his precept to be so intimately mixed with his practice, that, with the exception of one or two accidental words, it did appear to me that no Gentleman on this side of the House could say he had violated his own rules. And when the noble Lord proposed to consider this question in a tone of proper moderation, he turned in a deprecatory style to those around him, and admonished his hon. friends to follow his example. I do not complain that my hon. and learned friend departed from this rule; but I think that those who heard my hon. and learned friend's speech must concur with me in the assertion, that in that powerful eulogy which he poured forth upon the Ministers, in those bursts of eloquence that were responded to by the cheers of all around him, he was forcible, he was eloquent—his speech, in short, had every merit but the merit of moderation. For of all speeches, one less conducive to the production of moderation—less conducive to the production of those conciliatory results which it is the object of all moderate men to attain—one less calculated to allay excitement—to carry the sedative conciliatory consequences that would make this side of the House say to the other, ‘We do not agree with you in principles or in results, but let us employ moderation in our discussions’—one less addressed to the purposes of con-

ciliation, and one more addressed to the purposes of excitement. I never heard pronounced. It was a speech tending not only to produce excitement and irritation, but unnecessarily tending to produce them, because, in the Resolution of the noble Lord there was nothing to warrant it. The noble Lord said, he would not go into these subjects; but my hon. and learned friend said in fact, though not in words, my only mode is not to adhere to the principles of the Reform Bill, but to travel out of that, and out of the House of Commons, and to enter upon subjects that will not only produce excitement in the House of Commons, but will produce ten times worse excitement out of doors. The hon. and learned Gentleman had said, 'I hope the Government will preserve the peace.' I hope so too; but I must say, that his speech was little calculated to effect that object. The hon. and learned Gentleman said, 'I hope the Government will be firm.' His language is language calculated to make them firm—firm at least in the pursuit of the object he advocated. The hon. and learned Gentleman said, 'I hope the Government will maintain the laws.' That wish, however, does not seem to be heard in the latter part of his speech, which, as far as was consistent with the forms of Parliament, was, throughout, an excitation to a breach of the laws. Then, says the hon. and learned Gentleman, we have an allegory of the plants meeting to choose a King; and he speaks of the olive and the vine being rejected at that election, and, as he says, the bramble was elected the King. If I were to reverse the parallel I should say, that the calls upon the people who are to make this election, are only calls for misrule, excitation, and peace-breaking. The hon. and learned Gentleman deprecates all this; he deprecates, he revokes, he abjures anything tending to excitement; but in abjuring the thing, he uses expressions that forcibly recall it to the mind, and he eloquently deprecates that which in his arguments he seems most to inculcate. He recommends peace-making. Do the Ministers adopt this peace-making ally? Does the noble Lord at the head of the Government? Does the Attorney General? Does the hon. Member, the Representative of the Secretary for the Home Department? Will they, I say, adopt the peace-making recommendations of the hon. and learned Gentleman on his conciliatory principles?

What are those principles? He has told us that there was the Catholic Association in Ireland, and that by violence the Catholics ultimately triumphed, as he says. What, I ask, is the moral of that? What, but that he pronounces a hope for peace, and at the same time gives an instance of successful violence? He tells the people, in fact, not to believe what he says, but to do what the Catholics have done before, and to make a grand *fac simile* of their Association. My hon. and learned friend, again pursuing the same course of moderation, in terms so as to be within the rules of this House, says, that he does not wish the people to resist the payment of taxes; but, at the same time, he who would not, of course, wish to lead them to erroneous conclusions, has told us what will happen if the Reform Bill is not passed, for he says that the tax-gatherer would be resisted. I should like to have heard from my hon. and learned friend a little correction of the recommendations to that gross misdemeanour—the resistance to the payment of taxes. He does not advise them to do this, but he does not tell them not to do it; he does not condemn it—he leaves it with an unreprehended, but indefinite recommendation. My hon. and learned friend (for such I must call him), pursuing again the same subject, refers to the Press. He says that we cannot control it. He does not, indeed, say to the Press—go on publishing your libels as you have done; but he does not condemn that Press—that seditious Press, which recently recommended to the army mutiny, which recently advised the people to resist the tax-gatherer, and which denied to those who in this, and the other House of Parliament, were opposed to its doctrines, the right to exercise their undoubted privileges as independent Members of the Legislature. He does not, indeed, say to this Press, go on, pursue the same line of conduct; but he comes to a conclusion which is very like it; for he says, 'You cannot control its publications—it has the right to publish, and it will go on publishing.' I do not say, that by this he means to excite the Press to continue these publications; I know he makes a distinction between them; but the people do not, out of doors, comprehend those nice Parliamentary distinctions to which we are accustomed; he does not, indeed, adopt the principle that the Press should go on in these attacks, but he pats the principle

on the back, and gives it a negative sort of encouragement. These are the principal topics introduced by my hon. and learned friend in following the noble Lord, for the purpose of proving that he adopted the recommendation of the noble Lord to employ moderation in this discussion. My hon. and learned friend has alluded to the times of violence when a certain King came to this House and extracted from it five or six Members, and he has referred to that act as most unconstitutional. I will put the converse of that proposition, and I will say, that it will be almost as unconstitutional for the King to go to the other House of Parliament, and put twenty or thirty Members into it. Was it violent, was it unconstitutional, to abstract some Members from this House for having voted in a certain way? The question is no sooner put than we receive it with acclamations, affirming that it was most unconstitutional. I follow out the principle, and I boldly assert, that if a Prince of the House of Brunswick puts thirty Members into the other House of Parliament to overrule the proceedings of that House, he will be guilty of an interference as unconstitutional as the violence for which a Prince of the House of Stuart has been so strongly condemned [*no, no*]. The Gentlemen opposite say, no; so that it appears I have not had the good fortune to convince them of the truth of my opinion. But as there are two sides, though I may not have convinced them, I have convinced myself, that everything I have put forward has been fair and constitutional." His hon. and learned friend, the hon. and learned Member proceeded, did not like the principle of combinations among the people—he did not like the idea of the people of Staffordshire marching to London; but, hating these insurrections, and loving peace, and wishing to keep 100 miles from the mention of Jack Cade's name, he yet could not abstain from referring to a former time, when the operatives marched up to the metropolis against a law which was not so important as the Reform Bill, and he recommended a Prince of the House of Brunswick to put himself at the head of the people. His hon. and learned friend might go back to these distant times if he pleased; but he need not go so far back, for the case of a citizen King putting himself in the hands of the operatives, and joining one of the branches of the Legislature against the other, was still in progress,

and still open to any conclusion. The question, he said, was not yet decided whether the citizen King of the Revolution of the year 1831, would be able to carry on the Government without demolishing all the solid, rational, and consistent parts of the French Constitution. It must be admitted, indeed, that the hon. and learned Gentleman had been eloquent, but it must also be admitted that his discretion had been in the inverse ratio of his eloquence. While these topics of the non-payment of taxes were under discussion, the hon. and learned Attorney General was present: if the law was not what the hon. and learned Gentleman had compared it to—a rusty nail, he would set himself in motion. Was it true that this non-payment of taxes had been the subject of discussion? He believed it had; and he was sorry that the doctrine had not been denied by high authority. He should have liked to have heard from the highest source of legal authority—from the highest Judge of the land—something upon this subject. He himself meant to assert, that where there was a conspiracy to refuse the payment of taxes, there was a crime of a higher kind than some of the peace-making Gentlemen opposite imagined. If Gentlemen would but look into the works of Foster, Hale, and other great legal and constitutional writers, they would find that these assemblies to rob the King of money voted by the Parliament were not a bit-by-bit question, almost amounting to a breach of the peace, as it had seemed to be considered in another place. Those men were no lawyers who, if non-payment of taxes was combined with circumstances of conspiracy, would not say, that it was an offence far advanced in the scale towards high treason. He could hardly have imagined there would have been so much said out of doors upon this subject, or he would have come armed with his authorities for this assertion. Did the House know the sort of publications that had been issued on this subject? He had had put into his hands a pamphlet, with a portrait of his noble and learned friend, the Lord Chancellor; it was a bad portrait—but it was a portrait prefixed to his speech on this question. It was right to publish his speech, and the cheaper the rate at which such speeches were circulated, and the more they were ventilated through the country, the better. He complained not that it had been so ventilated, but that a

note had been appended to it in such a way, that unless looked at most carefully, it might be taken for part of the speech itself. The note was this—"God grant 'that all this may be right; but, depend on 'it, that the watchword will now be "pay no 'taxes.'" He repeated, that unless the sword of the Attorney General was, in fact, the rusty iron it had been compared to (though it had ever and anon been proved a sword sharp enough), these were publications that did require the attention of his hon. and learned friend. He would not say, that the Attorney General would neglect his duty in permitting these publications to go unreprehended and unnoticed; but he would go the length of stating to the Attorney General, that if the language used in that House, bold and unlimited as it might be, by the latitudinarian nature of their forms of debate, was thus permitted to be exceeded out of doors, the law was, indeed, a dead letter. It was quite true, that the British public were not to be governed by the sword—but they were by the laws; and one of those laws was, that the recommendation of peace-breaking, of tumult, of risings against the Government, of non-payment of taxes, was an offence which, by a slight limit alone, was out of the pale of treason. He had now stated briefly the object for which he had risen, which was, to declare that he could not support the Resolution moved by the noble Lord. That Resolution involved two main principles; the first was, the House had full confidence in the present Administration; the next was, the declaration of its continued adhesion to the Reform Bill. He could support neither of these. As to the continued adhesion to the Reform Bill, it must follow that, after the discussions in which he had borne a part in opposition to that Bill, he could not possibly support it, unless he gave way to those risings, those tumults, those excitements, which had been occasioned by it. He could not, therefore, sustain that branch of the Resolution which asserted the propriety of the principle of the Reform Bill. He did not rest there—his opposition to it was strengthened and confirmed by the discussions that had taken place elsewhere; for in those discussions had spoken a "preternatural man" on one side; but he could quote the opinions of that preternatural man—that man whose intellect went out of this world to a certain extent—upon the other side of the

question. That preternatural man, whose intellect was not confined *inter flumantia mœnia mundi*, had written a composition, in which he said that the principle of disfranchisement was one which he did not agree to. The letter to which he referred had been printed in all the papers, though it was said to have been surreptitiously obtained. The noble and learned Lord, in that pamphlet, had said, that if disfranchisement went beyond a certain extent, there must be a compensation. That was, then, one of his principles. In another part he said, alluding to the impurities of the Parliament, that they must be removed bit-by-bit; but now he said, that this alternative course must not be pursued. At that time, however, he had said, "We have the machinery already, let us improve it, if we can, before we break up the machine, and try to form another on a principle, the operations of which must necessarily be unknown." In another part they were recommended not to deal too much in generals, but that course had not been followed on the present occasion, when, twenty-four hours after men had declared their sentiments in one way, they were called on to turn upon their heels and pursue a different course. To expect them to do that was to ask them to expose themselves to ridicule, and to subject to question the sincerity of their own opinions. The noble Lord had paid a most well-deserved compliment to the character, talents, and judgment of a noble Earl in another House, and were the opponents of the Bill in that House to be called on to change their opinion—not because that noble Earl had supported a different view of the question from that which they took—but because they had had the good fortune to have their opinions fully borne out by the eloquent arguments of that noble Earl? Again, the noble Earl at the head of the Government had not always supported a measure of Reform like that which he now brought forward; and yet, though his opinions had not always been the same as they were now, the House were called on to support the latter, without consideration of what were the former opinions of that noble Earl. Why, even the noble and learned Lord on the Woolsack—the preternatural Lord Brougham and Vaux—had admitted that the 10*l.* clause was not a child of his own begetting.

Lord *Ebrington* rose to order, observing,

that it was not fair to allude to the recent speeches in Parliament.

The *Speaker* said, the hon. and learned Gentleman was out of order in the last allusion he made; and he must feel, that if the House of Commons defended their own privileges from being dealt with by the other House, they could have no right to interfere with the privileges of that House.

Sir *Charles Wetherell* admitted the correction; and, after some remarks on the subject, asserted that it was notorious the noble and learned Lord had asserted that this was not his Bill. There was now a strange unanimity among them on the Bill. The united conscience of the united Cabinet had required only six months to be submitted to the crucible, before there was a perfect amalgamation of all the various opinions composing it; though, within that time, there had existed among them as complete a discrepancy—some of them having been supporters of Mr. Canning, the most decided Anti-reformer that ever lived—as could possibly be. It was too much, however, for them to expect from their opponents the same convenient or conscientious change of opinion. The noble Lord opposite must remember in what manner the noble and learned Lord now on the Woolsack, once in that House, sarcastically eulogised a Cabinet of a tessellated nature, with one row of black and one row of white, and one of a mixed or neutral colour between. The same sort of eulogy would apply to the present united and unanimous Cabinet, composed as it was of violent Reformers, Anti-reformers, and the neutral men of no opinion at all between them. He now came to the call for the adhesion of that House to the Ministry on account of their repeal of the candle and coal duties. With respect to the coal duties, he believed that the repeal would benefit all the people concerned except the purchasers, and that, consequently, an important branch of the revenue had been taken off without an adequate advantage to the public. The noble Lord had spoken too of the candle duties; but he had avoided alluding to the Budget, for it was such a complete wreck, that not a plank was left—not a steam-boat could be saved from it. One would suppose from the speech of the noble Lord, that the country had no foreign relations; for with what confidence could any one ask that House to support the Ministry

with regard to their foreign relations? He would not allude to more than two things. The first was that of Belgium? While the Government here was scheduling towns and boroughs in England, there were other persons scheduling fortifications in Belgium. Much was wanted to be explained on that subject. Of Portugal not one word had been said, and as to Greece, one would think that there had been no such country since the time of Miltiades. He asserted that Portugal had been sacrificed to France, that the interests of our old ally had been sacrificed to those of our old enemy, and had been sacrificed in the most wanton manner. He had thus briefly stated his reasons for not placing confidence in his Majesty's present Ministers. He had forgotten to mention one subject, namely, that of the Game Bill, which the noble Lord had added by way of postscript to his speech. He thought it was premature in the noble Lord to give them credit for that measure, as a wise and sound part of the legislation of the Government, for there had not yet been time to observe its operation. On the whole he thought this Resolution unnecessary. If the Government meant to renew the Bill, why did they not do it at once? [Mr. *Hume*, "They will"]. He was not before aware that the hon. Member knew so well the secrets of his Majesty's Government as to speak in that manner of their intentions. He had stated his own sentiments on this question, and he believed that those around him entertained sentiments of a similar nature. The noble Lord had done what he could to conciliate their favourable opinions and secure their votes, by the manner in which he had brought the question forward; but excellent as the noble Lord's manner was, it would not make him adopt the Motion.

Mr. *Sheil* said, that they lately inquired what the Lords would do? We have now to ask what ought the House—what ought the Minister—and (it is the most important interrogatory) what will the people do? First, then, what ought the House to do? Shall it transfer its confidence from the Government to their opponents—from those who may be well accounted the parents of Reform, to those who would affect to rock, and toss, and dandle it with the hand with which they would have strangled it in its birth? Try them not by their professions—but by their proceedings; by

their deeds—and not by their phrases. Let us look for a moment back—the retrospect may be traversed with a glance. Much of the mystery of Toryism may be comprised in a single word. Potent, and comprehensive name, famous in the topography of corruption, renowned and ever-memorable East Retford! with what a ready articulation it drops from the tongue; but what a train of recollections and of anticipations it lets into the mind. It recalls occasions lost—opportunity madly and sinfully thrown away—the noblest game played with the falsest hand. Warning was given to pride—admonition to power—remonstrance was addressed to infatuation. Vainly did reason, justice, policy—vainly did Huskisson adjure them. Then it was, that the extremities to which we have arrived were foretold—then it was that the Sybil was the first time dismissed—then it was, that they were told to listen to the mutterings, and to mark the flashes of that cloud which had even then begun to overspread the political horizon, and which was mistaken for the vulgar smoke by which the factories of Manchester and of Birmingham were overhung—then it was, that a clue was afforded to the real feelings of those whose sincerity is so elaborate, and whose frankness is so ostentatious; and the means were afforded of plucking the masque from fraud—of uncloaking imposture—and of disrobing disingenuousness of its disguise. You that affect to be advocates of Reform now, what did you do then? In reply to all your promises, professions, and all your vehement protestations in favour of that vague and indefinite thing which you call Reform, it is but necessary to whisper that East Retford in your ears, which remorse should sculpture in your hearts. He would pass to the second great epoch in the annals of Toryism. The great Captain—he who seemed, like the Roman Conqueror, to have set up the statue of victory in the Senate House, and to have overshadowed his Administration with the amplitude of its wings, uttered a single-minded sentence, and the whole fabric of his power, having no base in the public confidence, left not a wreck behind. England swept the Ministers away. The King called to his councils a man who had given a pledge to Reform in his youth, and was resolved to redeem it in his maturer age. Lord Grey selected as his delegate a nobleman whose whole life was in

conformity with the principles which are inculcated by his imperishable name. It required some of the imperturbable calm which results from a just tenacity to an honourable purpose, to have stood unmoved amidst the bursts of alternating anger and of derision, with which his unimpassioned and fearless expositions were announced. What the Treasury scoffed at, the English people hailed—with a boldness that required no ordinary intrepidity of asseveration; it was averred that the nation did not desire Reform; to this assertion the Ministers determined to give a practical refutation. The King went down, amidst the acclamations of his people, to his Parliament, and to vindicate the rights of the one he dissolved the other. There was outcry, and clamour, and vociferation, and then came the booming of the cannon, which was but the precursors of that voice of thunder that called from one extremity of the island to the other. The elections came. England, from her hustings, shouted for Reform. There we again assembled. We were then told that popular phrenzy had succeeded to public apathy, and that the people, who before were lethargic, were driven mad. We were told too, as a matter of reproach, that we were pledged. Pledged! Is it a crime in those who have covenanted to discharge their trust, to declare it? And by whom was the objection urged? By many whose political being is breathed into them by those who made them according to their own images—by men, who cannot be true to England without being false to friendship, and must elect between perfidy to their patrons and treason to their country. He should pass over the several incidents that marked the progress of the Bill. It was, at least, carried in this House with every circumstance of triumph. It went up, as a message from the people, to the Lords, and by the Lords it was contumeliously repudiated. In the Debates in that House, and in the Debates in this, it was remarkable that not one of all those who professed to be converts to Reform, of all the venerable neophytes upon whom a new light had suddenly and miraculously broken, there was not one who came forward, he would not say with a specific plan, but even with a mere outline or sketch for the correction of the abuses which they seemed to think it a sufficient act of virtue, without any effort at amendment, to deplore; and in

such men how could the friends of Reform repose a trust? Contrast their conduct with that of Earl Grey, who had brought forward in 1831, the very project of Reform which he had proposed in 1797 [*cries of "No, no!"*]. He repeated it—the plan of Earl Grey in 1797, contained the disfranchisement of boroughs, the household qualification, the increase of county Members, and even the division of counties. His plan was not fortuitously conceived and abortively delivered, but had long abided in his mind, and was produced—fully and symmetrically formed. He (Mr. Sheil) rejected with bitter scorn the insinuation that Earl Grey had resorted to Reform in order to sustain the weakness and decrepitude of his Government. He had availed himself of the first opportunity which was afforded him to bring forward the measure to which he was, from his earliest political life enthusiastically devoted. In him the House should confide. The next question was—what the Minister should do? He should not leave the helm in the storm; and though the waves should wash over the ship, he should cling to the wheel. He should act with vigour and firmness. His patronage should not be bestowed where it would be requited with perfidy; the mitre should not be planted on any Iscariot brow [*cries of "oh, oh!"*]. He knew not what recollections that phrase revived in the minds of those Gentlemen who sent out a muttering negative. He was innocent of any unpleasant reminiscences. The advice he would give to the Minister would be this—"Let him be true to the people and the people would not be false to him."

"Still in thy right hand carry gentle peace  
To silence envious tongues. Be just, and fear not;  
Let all the ends thou aim'st at be thy country's,  
Thy God's and truth's; then if thou fall'st, Oh!  
Cromwell,  
Thou fall'st a blessed martyr."

He had thus suggested what, in his opinion, the Minister should do. The next question was—what will the people do? He, perhaps, might be allowed to have some knowledge of his own countrymen; and if he were asked, what would Ireland do? He should reply, that which she has done before!—that in spite of all incentives and temptations, she would maintain the peace, and with the olive-branch in her hand would be victorious. Ireland would give to England not only aid, but the benefit of her former example. There

would, in Ireland, be no violation of law—no outrage—no insurrection—but a firm, consolidated combination for the attainment of liberty. What, then, would the English people do? They would also maintain the peace, because they knew that their strength lay in legitimate and cordial union. If the people's wishes were disregarded, what would be the result? From every district of this great country a voice would come, to which an insensible ear could not long, with impunity, be turned. And from whence would this demand come? Would it come from itinerant agitators—from disseminators of discord—from traffickers in sedition? No! United, confederated, resolved—indomitable, irresistible England would demand that her Constitution should be given back. To that demand would the Lords be deaf? The first wave had broken on the ramparts that were opposed to it—it would only recede to collect its might, and the second would roll on with a more fearful shock, and a more imperious surge. The Lords would have too much regard for their interests and for their duty to oppose the unanimous will of England, or to expose the coronet and the mitre to be blown off in the hurricane of the popular passions. We should hear no more of the privileges of Dukes and Marquesses to vote by proxy in this House; and "vested rights" in Gatton and in Old Sarum would excite but little respect. He had as much respect for vested rights as any man; but if any incompatibility existed between what was called, by a misnomer the most monstrous, the vested rights of this Duke and that Marquis, and the sacred; the immemorial right of the English people to be fully, freely, and fairly represented in the Commons House of Parliament, he would not say that he would merely give a preponderance in the balance to the prerogative that belonged to the majesty of the people, but he would fling every other regard as dust out of the scales, and disdain to weigh them against the franchise which had come to us from our ancestors—which had been won in so many a field of glorious victory, and had dropped to us from so many a martyr scaffold, and which, with the blessing of God, and the aid of their own virtuous determination, would be transmitted by the English people, renovated and confirmed, to the remotest posterity.

Sir George Murray would not attempt

to pursue the hon. Gentleman in his ambitious flights of eloquence, not merely because they were not exactly to his taste, but because he confessed himself incompetent to such grandiloquent elevations, which left poor plodding reason and sober judgment far below. He certainly, however, could not withhold his commendations from the noble Lord whose motion was now under discussion, in consequence of the calm and considerate view which he had taken of the events which had induced him to make that Motion, though, at the same time, he must say that he did not concur in its propriety. In saying this, he did not mean to deny that the country was in a state of considerable excitement, but it was by no means in a state to warrant its being said, that the present was a convulsive crisis. It had been said by an hon. Member, that the safety of the empire depended on the vote of that night; but he must express his hopes that the empire was fixed on much too solid a basis to depend on the mode in which that vote might be carried. The objects of the noble Lord's proposition were two—first, to pledge the House to the principles of the Bill which was lately sent to the Upper House; and the other was to elicit from them an expression of confidence in his Majesty's Ministers. Now it seemed to him that there was no pressing necessity for the House to comply with the first object of this proposition; for the Reform Bill had only very lately been sent to the Upper House with a majority of 109 in its favour; and why should there be any necessity for so soon expressing their sentiments again upon that Bill? The Upper House had, with great propriety, discussed that measure—for it had as much right to deliberate upon it as the House of Commons had—and, from what had been said of those rights and privileges by the noble Lord in bringing forward his Motion, he certainly did not consider it as meant to convey a vote of censure on the Upper House for the course which had been pursued with respect to the Bill. He should, upon these grounds, object to the first part of the noble Lord's proposition; for he was of opinion that it was not called for; nor was it right to pass a vote of censure on the other House of Parliament. The noble Lord had also alluded to the rights of the House of Commons; but, as they were not called in question, there was no necessity for them

to pass any such resolution as that under consideration, in assertion of those rights. The next object which was proposed to be attained by this resolution was an expression of the confidence of the House in his Majesty's Ministers. The noble Lord on the other side of the House (Lord Althorp) had once done him the honour to say, that one of his faults was too great a degree of independence of constituents, and had at the same time expressed a wish that he had a greater body of constituents, and was somewhat more dependent upon them. He must first observe, that he had ever exercised the independence in that House which was allowed to him by his constituents according to a conscientious view of his duty; and when the last Administration was dismissed, he saw the noble Lord at the head of the Government and his colleagues installed in office. Though he felt that there was no particular reason why he should give them his confidence, yet he had no motives for mistrusting them, further than the necessity for watching their measures, and giving his support to all which he should deem beneficial to the country, whilst he opposed all which he conceived to be adverse to its welfare. That Administration came into office pledged to the reduction of the public establishments, and to economy in the expenditure of the public money. He objected to neither of those pledges, provided nothing was done which might be injurious to the public service; and the Government adhering to this principle, and not departing from prudence in their attempts at reduction, the consequence was, that very little saving had accrued to the public. The next point was the consideration of their financial measures, and these, he must say, were of very little importance, for if the noble Lord claimed a resolution of that House on that ground, the claims of Government must be confined to the reduction effected in the coal and candle duty, which he supposed must be considered as measures of high importance. But, he must ask, were those two remissions measures of such magnitude as to call for a specific vote of the House to express the confidence with which they had inspired its Members? But let them take the financial operations of the Government on a larger scale, and let it be shown that there was any measure of such importance as to entitle the Ministers to a



vote of confidence. Looking at the schemes of finance which they had brought forward, he must say, that his Majesty's Ministers had not even obtained the confidence of the House, for they were opposed in the most important of them by practical men of their own side of the House, who thought that the projected scheme was inconsistent with good faith to the public creditor. But although Ministers had thus found it impossible to carry through their plans, they had maintained the principle to the last, reserving it to some future period when they might have to deal with a House of Commons less scrupulous and more confiding. Their next measure materially affected trade, and nobody had imputed that it was resisted upon party grounds. Here again practical men, at other times the supporters of Ministers, came forward and showed how unjust the proposed change would be to the colonies, and how injurious to the commerce of the nation. He was at a loss, therefore, to discover on what ground such a vote of confidence was to rest, unless, indeed, upon the alteration of the Game Laws, under the special auspices of the noble Lord (Althorp)—a measure he (Sir George Murray) certainly approved—but not of that reach and magnitude to warrant a proceeding so unusual as the expression of a vote of confidence in the Ministry. He had now touched upon the principal measures which the present Government had brought forward, independent of the Reform Bill, because the noble Lord had said that he did not rest his motion exclusively on that ground, but also on the other points of their principles. As to the Reform Bill, the hon. member for Calne had said there were two parties for it—one in that House, and the other out of the House; but did that hon. Member expect that those who had opposed the change in the Constitution in this House in all its stages could concur in this resolution? He (Sir George Murray) had resisted the Bill, because its principles filled him with apprehension. Since the Bill applicable to England and Wales had passed, another to regulate the Representation of Scotland had been brought forward by Ministers, and to concur in the resolution of the noble Lord would imply some kind of assent to the Scotch Reform Bill, which he (Sir George Murray) was not at all prepared to give. He considered the Scotch Reform Bill highly ob-

jectionable on many points. Those who had resisted, not only on the principle but the details of the Reform Bill, must be the last to concur in a vote of confidence. Some changes had been made in the Bill to which even Ministers had been opposed, and to which they were still opposed, so that they themselves did not approve of the whole of their own Bill. It had been asked whether that Bill was not brought forward by Ministers principally with a view to strengthen them in the precarious hold which they had on the Government; and he for one must certainly say, that, in his opinion, the Bill, was originally brought forward at a time when the confidence of the House in the Government was greatly shaken. They then found themselves in the predicament in which the ancient inhabitants of Britain were placed in former times, and they had recourse to the same dangerous expedient, of calling in a power stronger than themselves. In following that dangerous example they had prostrated themselves before the shrine of democracy; and on that altar they had offered up as a sacrifice the Constitution of their country to preserve to themselves the possession of power. Entertaining such sentiments, it was impossible for him to accede to the proposition of the noble Lord. He must at the same time declare, that he was not indisposed to give Ministers that share of his confidence which every Government deserved. Seeing at the head of the Government a noble Earl who had intimated that although, in the ardour and enthusiasm of youth, he had been a strong advocate for Reform, yet his views had been much sobered by age and experience, as was the case with Pitt, whose youth was characterized by strong opinions on Reform, which time had greatly modified—an effect which he had hoped to observe in the views of the noble Earl at the head of the Government—seeing also another noble Lord (the Lord Chancellor) pledged to the Bill, whose sentiments, when he had uttered them in his hearing in that House, were far short of the Reform proposed by the measure recently rejected by the other House, and whose sentiments were confirmed also by a letter of that noble Lord which he had seen; but which were far exceeded by the present Bill—seeing also another noble Lord (the President of the Council), whose moderation on those points he had ample reason to know

—seeing also three noble Secretaries of State, whose views hitherto had been confined to moderation on this head—he could draw no other conclusions from their conduct than those which he had already explained to the House. The threats which had been uttered, of something worse than the Bill if it was rejected were, certainly, not calculated to gain his confidence or to conciliate his opposition; nor were such speeches as those of the hon. member for Calne, and the hon. and learned member for Louth, likely to produce any other effect than that of making it infinitely more difficult to carry on the Government than up to that moment it had been; for the House was not to expect that speeches, he would not say so inflammatory, but couched in such strong language, would not be re-echoed throughout the country by persons of less respectability and of less moderation than was possessed by hon. Members of that House, and not the best effects might be anticipated from them. Allusions had been made to the Upper House, and to the course which had been adopted by that assembly with respect to this measure; he must, however, express his firm conviction of the independence and magnanimity which were displayed by the House of Lords on that occasion. To that House he still looked with confidence, and to that House, he must say, ought all its rights and independence to be preserved, for to it alone did he look as to that estate of the realm which would afford a protection to the Constitution from any delusions into which the people of England might, by momentary excitement, be led.

Mr. Strickland said, the simple question was, whether the House and the country had confidence in his Majesty's Ministers; and whether there was any ground for their retiring from the helm of affairs. What reason, he would ask, was there for such a course, when ninety-nine out of every hundred of the people of England had expressed their entire approbation of the Bill, and reposed their undivided confidence in his Majesty's Government? The House of Lords, he was sorry to say, had made a lamentable mistake about public opinion, and had not evinced by their conduct any knowledge of the feeling which the question had excited in the public mind. They had placed themselves on the brink of a tremendous precipice, and were now attempting to retrace their steps.

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The greatest public mischief, he believed, would ensue if his Majesty's Ministers should retire. The public had confidence in the Government; but a retirement from office would only increase, and, he might say set the seal, to the public excitement, and destroy that confidence in Government which now happily existed. It was of no use to allege, as some hon. Members did, that the people had been excited by Ministers. The question had been agitated, more or less, for the last seventy years, and had now assumed a shape which no Ministry could safely gainsay. He would not enter on the original principles of the Constitution—he believed no man knew exactly what they were. They had commenced in dark and remote ages, and had grown with our growth and strengthened with our strength. He was, therefore, convinced that the time was now come to make an important alteration in the Constitution, and that it was the bounden duty of the House to express their confidence in his Majesty's Government.

Mr. Littleton observed, that the present was an occasion on which it was peculiarly necessary for the Representatives of large, and, above all, of manufacturing communities, to express their opinions. He considered that it would be impossible, after the rejection of a measure affecting so deeply the interests of the commonalty, and in which the hopes of the people were so extensively embarked, for the House of Commons to separate, even for the briefest interval, without taking the earliest opportunity of re-asserting the principle of the Bill, of declaring their approbation of its leading provisions, and, above all, of expressing their undiminished confidence in the Ministers who had brought the measure forward, and through whose instrumentality he hoped it would speedily be carried triumphantly through. It was important for another reason that the House of Commons should adopt this course at the present critical juncture—namely, because it was of the utmost importance that they should place themselves in front of the nation, and set an example of the conduct which the people should pursue in order to prevent exasperation of feeling and violence of action, which would tend more than any other thing to do that which argument had failed to do—give authority to the opinions of the opponents of the measure. There was another reason of paramount

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importance which ought to induce the House to adopt the resolution which had been proposed (and he urged it from no feeling of disrespect to the hon. Gentlemen on the other side of the House), namely, that if Ministers should be forced to retire, no other Administration could at this moment be formed, for by the course of conduct which the hon. Gentlemen opposite had unfortunately pursued with respect to Reform, they had utterly forfeited all claim to the confidence of the country. What claim to the confidence of the country could those statesmen have who, last year, opposed the enfranchisement of Birmingham, Manchester, and Leeds, until an opportunity of effecting that object might occur by a corresponding disfranchisement of other places, and who this year had opposed the disfranchisement of even the most insignificant boroughs? In the course of the discussion, allusion had been made to a letter reported to have been written by the Lord Chancellor, twenty years ago, on the subject of Reform. That letter contained opinions with respect to the mode of treating that question, addressed to an adverse Government. It was one thing to propose a measure to an adverse Government, and another to propose it when the proposer had become an influential member of an Administration, and had the country ranged on his side. When the letter was written, the country was engaged in a war with France, and the public attention was directed to no other object than the prosecution of that contest. It would have been as insane to have proposed a large and comprehensive plan of Reform at that period, as it was insane to attempt to withhold one now. It was not till very recently that he (Mr. Littleton) had made up his mind to support a large and comprehensive measure of Reform. In saying this he only avowed what was a matter of notoriety to all who thought it worth their while to observe the conduct of so humble an individual as himself. He, however, was much mistaken if public opinion had not for a long time been veering round to the conclusion, that some large and comprehensive measure of Reform must be introduced by Government. For these reasons he had, during the last four years, been a zealous and an ardent supporter of the schemes of Reform which had been brought forward by the noble Paymaster of the Forces. If he were to be blamed for

having become a convert to the necessity, the country at large must share in the censure, for his opinions had changed with those of the country. Reference had been made to the almost miraculous despatch of business by the Lord Chancellor. Whatever sneers might be employed by professional and other Gentlemen on this subject, he believed that the Lord Chancellor, by redeeming the professions which he made relative to the despatch of business, had obtained more influence in the country than any individual ever obtained by a single act. If the brilliancy of Lord Brougham's course in Parliament had never attracted the admiring gaze of his country—if he had never distinguished himself amongst public men by his gigantic intellect, devoted with unparalleled energy to the advancement of the best interests of society, the achievement of this victory (for such, in point of fact it was) was sufficient to secure the admiration and gratitude of the present age, and to hand down his name to posterity. Ministers had properly availed themselves of the golden opportunity which the circumstances of the country presented for bringing forward the measure of Reform. The party-wall of the Catholic Question having been thrown down, the people united in new associations, and a general conviction of the necessity of Reform pervaded the public mind. These circumstances presented so favourable an opportunity, so rare a tide in the affairs of men, that if Ministers had neglected it they would have deserved to lose the confidence of the country. There were some persons to be found amongst the opponents of the Reform Bill, in both Houses of Parliament, who appeared to be quite ignorant of the state of public feeling. He had, during twenty years of his life, been closely connected with a large manufacturing community, and therefore had had an opportunity of witnessing the great progress which they had made in intellectual improvement. Persons who were unacquainted with these large communities, could have but a faint idea of the ferment which was going on amongst them at the present moment. An opportunity was now presented of turning the active and energetic spirit of these communities into a channel in which it would prove beneficial to the empire. If that opportunity should be lost, activity and energy might be succeeded by turbulence

and fury, which would ultimately involve in destruction all the institutions of the country. In conclusion, he hoped that Ministers would soon have an opportunity of again submitting the Reform Bill to Parliament.

Colonel Sibthorp was surprised to hear the hon. member for Staffordshire declare, at that hour, and when the Bill had passed both Houses of Parliament, at least been carried through the one House, and settled by the constitutional efforts of the other, that he had only within a few days made up his mind to the expediency or necessity of the measure which he had been for weeks and months supporting. This indecision on the part of the hon. Member gave him reason to hope, that on some future occasion he would join with that side of the House, in supporting such a measure of Reform as they might think proper to adopt—a measure less hostile to the Constitution, and more in accordance with the real wishes of the people. The hon. member for Yorkshire, who had given them a very brief statement of his opinions upon this occasion, said, he would not advert to the question of Belgium, or enlarge upon the advantages derived to the country from the repeal of the duties upon coals and candles. He knew that the first was a very unpalatable subject on the other side of the House; and, therefore, his policy, and, in this instance, his prudence in remaining silent upon it deserved admiration. They had been favoured with a speech from the hon. and learned member for Calne. If he (Colonel Sibthorp) had ever doubted as to the course which he ought to take respecting the present motion, and all those motions brought forward by the present Government, that speech would have removed his doubts; for of all the speeches he ever heard, having a tendency to the subversion of good order, and the overthrow of the religion of his country, the speech of the hon. and learned member for Calne was the most so. He alluded to Scripture; but the tenour of the observations which he made was in direct contradiction of the precept which the Scriptures inculcated—namely, obedience to superiors, and a proper respect for all orders of society. The hon. and learned Member said, that he would not in any way allude to the majority in the other House, who, he thought, had shewn their true *amor patriæ* in throwing out the revolutionary

Bill: as he was not anxious to follow the example of the hon. and learned Member in any other respect, he would not follow it in this. He would allude to that majority, for the purpose of expressing his veneration for the Assembly to which it belonged, and his gratitude, as well as his admiration, for the honest and manly part which they had taken, in battling with the threats and intimidations with which they were assailed, and faithfully and conscientiously discharging the sacred duty with which they were intrusted. The hon. member for Staffordshire had said, that the measure must shortly be carried; but he appealed to the House to say whether the language, either of that hon. Member or of those who had spoken on the same side with him, shewed that the measure would be carried legitimately? He denied that it would be so; and he made that denial solely to contradict the language which he had heard from the supporters of the Ministers. On the present occasion, the House was called upon by the noble Lord deeply to lament the defeat of the Ministerial measure of Reform, and then to come to a vote of confidence in those who brought it forward. He frankly and fearlessly declared that he rejoiced in the destruction of the Bill; and, as to the idea of placing confidence in his Majesty's advisers, he would only observe, that ever since they had come into office as the Ministers of the Crown, no one single act of public utility had been carried—not one measure which had done any good to the people. It was true that fifty-four bills were on the Records of Parliament; but how had they been proposed? how carried?—Why, at unseasonable hours of the night—generally between two and three o'clock, when it was impossible that they could be properly discussed. He had a great respect, personally, for the noble Lord, the Chancellor of the Exchequer, but he could never think of placing confidence in a man who could bring himself to propose to Parliament such a Budget as the noble Lord submitted to the consideration of this House in the last Session. He disclaimed every thing in the shape of an unkind or a disrespectful feeling towards the noble Lord; but the Budget stuck in his throat. He could not swallow it, nor could any, even of his most voracious admirers on either side of the House. It was detestably unsavory, and so compounded, that, if swallowed, it

could never have been digested. As to retrenchment, much was undoubtedly promised by Ministers; but how had they kept those promises? Was it an instance of retrenchment to incur an expense for a body of Commissioners appointed to divide counties—limit boroughs—and make out districts? While upon that topic, he would ask the noble Lord in what part of the country those Commissioners now were? He had heard that they were in Yorkshire. He had also heard of some disturbances on the race-course at Lincoln, and that those disturbances were attributed to the presence of the Commissioners in that city. He desired also to know how these Commissioners were to be paid, for as yet that had not been decided? Perhaps they were volunteers. He trusted that they were so, and that the country would not be called upon to pay them for their journeys. He should most decidedly oppose the motion of the noble Lord, because it was his firm conviction, that that motion was nothing more than a resource—a trick of his Majesty's disappointed Ministers—in order that they might ascertain the sense of the House of Commons. He trusted that those Ministers would soon be out of office. He did not speak this as a man connected with any party. He recognised no government which had not for its object the prosperity and happiness of the people; and on that ground he had opposed the present Government, as well as the last. It might be remembered that he voted to eject the late Administration from office, and, should an opportunity present itself, he should certainly do the same kind office for the present.

Mr. *Hume* said: Sir, I shall stand but a very short time in the way of other Gentlemen who are desirous of addressing the House before the decision of this question. I am too much fatigued with the exertions which I have been already called upon to make this day, to occupy the attention of the House at this hour for any considerable time. But I am anxious to state, that I entirely concur in one sentence which fell from the hon. Member near me (Colonel Sibthorp), that these Resolutions have been proposed for the purpose of pacifying a disappointed people. But the same hon. Member says, that the people do not want Reform. Now, Sir, observe the inconsistency. He says, that the people do not want Reform, and yet that they are disappointed, and that their

irritated feelings required to be pacified, because Reform has been refused. The hon. Member must have forgotten himself. He could not mean to make the two assertions. When the measure to which the whole of the people looked up with hope, and which they would have received with gratitude, has been frustrated for a time, it is just and necessary that something should be done to satisfy their disappointed feelings, and to encourage them to hope. An hon. and learned Gentleman below me says, that the Ministers called upon the people, and excited them to clamour for Reform. But, Sir, the fact is, that the people called upon the Ministry, and in a manner which it was impossible not to attend to. The people did not want excitement. They were and they are too much alive to their own interests—they understand too well the measures which are from time to time in progress in this House, to have any occasion to be roused or excited on the question of Reform. So far from there having been any necessity that his Majesty's Ministers or others should excite the people, if I may state honestly my own opinions and my own experience, I will declare, that even my efforts have been much more exerted to control than to excite them. The Gentlemen who opposed the Bill in its passage through this House are ignorant of the real state of the feelings of the people, and they are, therefore, neither prepared to do the people justice, nor competent to devise a measure which would fully meet their wishes. In all societies there are some unreasonable men; and I know that there are many persons who think me an unreasonable man, as all epithets are given by comparison. But I should be glad to be told who are the unreasonable men in this case? They who wish to maintain the influence of Peers in this House, or we who wish to turn that influence out of the House, and restore in it the just influence of the people, and to open the way for their Representatives who would know and support their interests? The people are kept out of their own House of Parliament to make room for the minions of a few Lords. In another place there has been much talk of this House becoming a House of Delegates. But let me ask, what are the hon. Gentlemen around me who sit for the close boroughs but delegates? All the Gentlemen who are sent here from the boroughs in schedule A are nothing more than

delegates; and yet the persons whose delegates they are, talk about what the House of Commons would be if the people were allowed to send their delegates into it. I think, Sir, that a more indefensible measure than the rejection of the Reform Bill, on such grounds, never was adopted by a House of Lords. [order]

The hon. Gentleman near me, who cries order, has said, that he took pleasure in the rejection of the Bill; and in alluding to the conduct of the House of Lords, he spoke in raptures of the manner in which the Bill had been received there. Now, does he think that he ought to have been allowed to express his approbation of that conduct, and that I shall not be at liberty to say that I greatly disapprove and regret it. But, Sir, my regret is not occasioned by any apprehension that the recent proceeding of that House will stop Reform, but because it will force this House to pass a measure of more extensive Reform, and more objectionable to the opposers of Reform than the Bill which has been rejected. It is not because I suppose that the cause of Reform will suffer ultimately any injury from not being supported by the Peers that I regret the ignorance which they have shown of the feelings of the people. It is altogether for their own sakes; and I hope that the universal manifestation of the opinions of the people will open their eyes, nor can I hesitate to say, that before long many of them will be made sensible of the real state of those opinions. I trust that this House and the country may be assured that the zeal of his Majesty's Ministers is not to be damped, and that their exertions for the good of the people will not be checked; and I am quite certain, Sir, that if this Motion be carried—and I hope it will be carried triumphantly—it will have the effect alluded to by the hon. member for Lincoln, and give satisfaction to a disappointed and indignant people, who will have confidence in the Ministers, and will not be satisfied till their efforts for the good of the country, being supported by a patriotic king, shall be crowned with success. For it cannot be supposed, Sir, that a paltry division of the country can stand up successfully against the millions. It seems to me the most unreasonable thing that ever was contended for, that three or four hundred men should stand up against the just claims and the rights of 20,000,000, and that so small a majority should refuse to

the people their just Representation. It has been the great boast of the Constitution, that it secured to the people a full and fair Representation. But the fact is, that they are scarcely represented at all, and that, consequently, a small number of persons who have the nomination of Members to this House enjoy all that can be gathered from the people in the shape of taxes. Sir, I should consider it no longer an honour to be a Briton, if my countrymen did not manifest their indignation at such a system, and resolve that it should be put an end to. I trust, therefore, that his Majesty's Ministers and the House will show, by the decision of this night, that they are determined to stand by the Reform Bill until it is carried. I implore every man who hears me to support the resolutions of the noble Lord; for many weeks cannot pass away until this question must be finally settled to the satisfaction of the country. It has not been taken up by a small number, or by a party, but it has taken root in the minds of the people, whom you never can satisfy until you shall have restored to them the rights of which they have been so long deprived. The question must, before long, be settled, by surrendering the unhallowed usurpation of that power which is the right of the people, and which has been so long withheld from them. I have heard some persons talk of being afraid of the influence of the people. But who are afraid of that influence, except those who keep from the people what is theirs? Who ever knew a man who withheld unjustly what belonged to another, that was not afraid to meet that person face to face? No wonder, then, that they who have done so by the people are unwilling to meet their Representatives in the same assembly; and, at the same time, I have no doubt that the people will act as becomes the dignity of an enlightened and high-minded nation; that they will hail the Resolutions of the House this night with pleasure. As to the Amendment, I wish it had been proposed by any other Gentleman than a member for one of the Universities; for I do not wish the respect of the country for these learned and venerable institutions to be too much lowered, although I know that on many occasions their Representatives in this House have stood in the way of measures calculated to promote the welfare of the people. I did not expect that the right

hon. Gentleman, or any of his party, would repose confidence in the present Ministry, for they have always shown that they did not wish the House or the country to be satisfied with any part of their conduct. But I can tell the right hon. Gentleman, that if the Ministers have not his confidence, they have the confidence of the country. I saw this day a meeting of many thousands of people, and I never saw so much unanimity at any meeting as prevailed there on this subject. I shall not longer occupy the House, nor would I have trespassed so much upon its attention this evening, but that I was anxious to implore any hon. Member who may be in doubt to support the Resolutions, and thereby (to use the language of the hon. Member for Lincoln), to satisfy a disappointed people.

Mr. *Thomas Duncombe* expressed his surprise at the manner in which the Gentlemen opposite endeavoured to escape from this Question. It was not a Question about a Game-bill, nor about a Bankruptcy-Court bill, nor about one of Mr. Brougham's Letters, written in 1810. No, it was a Question which involved this great consideration—whether the people were to expect a real Reform, or any Reform at all, and if ever a declaratory Resolution was necessary, the Resolution now before the House appeared to him to be emphatically so. It was necessary, in consequence of the situation in which the country and the House were placed by the abrupt and hasty rejection of their Bill. Did not his Majesty in the judicious exercise of his prerogative, dissolve the last and call the present Parliament, in order that he might correctly ascertain the sense of the people on the vital Question of Reform? Had not that sense been made clear and manifest, both within those walls and without those walls? And what had been the result? Why, the rejection by the House of Lords of a measure which the House of Commons, in accordance with the sense of the people, had agreed to. The sense of the whole country was anxiously sought, and was correctly ascertained in April last, and now it appeared that the struggle was between that strongly expressed sense and the opinion of a small number of Peers. The question for that House now was—and the question in every man's mouth throughout the country was—"What will the Commons do?" He would not attempt to tell them what they would do—he would not endeavour to describe what they

would not do—but he would at least tell them what they ought not to do. They ought not to allow the sense of the country, they ought not to allow the voice of their constituents, to pass unnoticed and unheeded. They ought not to let the measure of Reform now fall to the ground—they ought not to suffer it to be treated as if it were a mere Turnpike bill; without expressing any wish for its reconsideration, or any desire for its ultimate adoption. It appeared to him that this was the question which they now had to decide. But he did not think that they could or that they ought to stop there. Not only ought they to agree to this Resolution, but they ought to adopt some measures—first, to tranquillize the public mind, and next, to assure the people that a measure, having for its basis a full, efficient, and effectual Reform, must be ultimately successful. The hon. and learned member for Boroughbridge naturally expressed his disapprobation, and that of his friends, at any additional creation of Peers, and particularly by a Whig Minister, and he declared his feeling most strongly against any measure being carried by such means as these. So did he (Mr. Thomas Duncombe.) He agreed in the propriety of the sentiment, that no measure ought to be carried by means such as these [*hear, hear.*] Gentlemen cried "*hear, hear,*" but if they approved of that principle, they must meet him half-way, and shew him some other means by which the just desires of the people might be fairly granted. If they could not meet him half-way—if they could not show him some different means of effecting this object, then it was clear no other mode—no other alternative remained, but that to which the hon. and learned member for Boroughbridge objected, and to which, perhaps, Gentlemen would become more reconciled when they looked to the majority by which the Bill was rejected. If that majority were analysed—he did not mean to say, that he would analyse it—but if it were analysed, he was sure it would be found that most of those Peers who voted against the Bill received their honours in consequence of their known influence in, and connexion with, borough property [*order*]. It appeared that he could not, or that he ought not, to express his opinion with reference to the minority or majority of the other House; and yet he heard the majority of the House of Commons alluded to,

spoken of, and questioned in the House of Lords in the debate on this very Bill. If, however, he were not permitted to allude to the manner in which Peers were now made, he would refer to the subject as matter of history. Old Daniel De Foe, that entertaining, liberal, and enlightened writer, speaking of the Peerage of his time, about a century and a half ago, said,

"Wealth, however got in England, makes  
Lords of mechanics, gentlemen of rakes,  
Antiquity and birth are needless here,  
'Tis impudence and money make a Peer."

Well, he could prove that such were pretty nearly the qualifications of that majority which rejected a measure on which the hearts of the people were unalterably and inviolably fixed. And therefore he most strenuously contended, that the people, the country, the House, had a right to advise, had a right to petition for, the creation of new Peers. Not a creation of Peers boasting no other claims but those to which De Foe alluded, but a body of Peers, created on constitutional grounds, and who were likely to infuse a feeling of liberality and public spirit into the whole mass. He admitted that such a remedy would be desperate. Ay, ay, but not half so desperate as the disease—not half so desperate as the danger which threatened the country, and which it would be the means of averting. He, therefore, for his own part, was willing of two evils to select the least. But he wished to know what that House had done, or what the people had done, that they should have been treated with such contumely by their Lordships? He had asked several noble Lords the question. He had asked them, "Why did you not allow our Bill to be read a second time, and to go into Committee for alteration and improvement? If you had done this you might afterwards have been justified in rejecting the measure." The answer of one and all was, "What you have said is most true; but we were told, that if we took such a deliberative course, we could not have kept our majority together." "What, not keep their majority together, to defeat a Bill so revolutionary as this—a Bill so utterly democratic—a Bill which threatened to overthrow all the venerable institutions of the country?" "Oh!" answered they, "what we say is very true. The majority would not attend. They had more important duties to perform. Many of them had

to go into the country; some had partridges and pheasants to shoot; while others were occupied in looking after their tenants, especially in discharging those who happened to have attended Reform meetings, or who had perhaps, unwittingly, expressed themselves in favour of Reform measures. All these things you know must be attended to." By such considerations it appeared that these

"Most potent, grave, and reverend Seignors,  
These very noble and approved good masters"

were induced, with very little ceremony, to reject the Bill. But then several of them declared that they had anxiously done their duty, and that they had ascertained the exact feelings of the people. One of their Lordships said, "I have visited two or three shops, I have been in Bond-street and St. James's-street, and from my inquiries I am convinced that the measure is against the wishes of the country. Besides, the feeling is all artificial. It has been raised by a set of demagogues; revolutionary language has been used, disloyal expressions have been uttered, appeals have been made to the passions, and not to the reason of the people." [*hear, hear.*] Hon. Members opposite cheered. Now he wished to know where these things had occurred;—he wanted to learn where they had taken place. Let the House look at the language made use of at the last elections: was there anything revolutionary there? No; the people understood their rights too well to wish, or desire to express anything illegal. They were anxious to see the wisdom of that House and of the House of Lords uniting with the wisdom of the King in the formation of a measure that would secure to them their rights and liberties—that would, in fact, give back to them the Constitution; for they might be assured of this, that the people would never admit the present borough legislation and taxation to be a part of the Constitution. Restore to them but their rights—let them really appear in that House by their true Representatives—and they would show that they were grateful as well as loyal. Let him tell the House that they were loyal because they were still brave—that they were wealthy, because they were still industrious. But neither that bravery, that wealth, nor that industry, would be devoted to the service of the Legislature, if that Legislature remained deaf to the just claims of the people. What, then, was their situation? Might they not find



themselves in a deplorable state if the people withheld confidence from them? What were they in such a case to do? Why, in the name of expedience, which used to have charms for some of those hon. Gentlemen opposite when Catholic Emancipation was carried, let us grant to the people, with cheerful alacrity, that which they are fairly entitled to. Let us take the course which the right hon. Baronet opposite took, when he declared that he had not changed his opinions on the subject of Catholic Emancipation, but that he was willing, nevertheless, to offer up those opinions on the altar of political expediency. Was it, he would ask, expedient to continue to exasperate, when they could so easily conciliate? Why not abandon that at once which they must ultimately relinquish? The hour was fast approaching, when that which would now be received as an act of grace would be coldly viewed as an act of extorted and tardy justice. In the name of common sense he would ask of that House, and of the Peers of England, to prop up and support the power which they now enjoyed, and to secure it for those who came after them, by enlisting in their favour the affection and loyalty of their fellow-citizens. He had, he regretted to say, heard speeches made in another place which quite astonished him. He had heard a speech delivered by a noble Duke, the late Premier of this country, who attributed the feeling which was manifested here to the revolutions which had occurred in France and Belgium. It was not difficult to prove the absurdity of such a reason. What was the cause of those revolutions? Did they not arise from hatred to tyranny—from a wish to resist unconstitutional encroachments on the rights and liberties of the people? Then he would ask that noble Duke, with all his vast experience (and here he would say, that no man had a greater respect for the talents and integrity of that noble person—no man admired him more when he stood forward as the advocate of religious liberty—and no man lamented more to see him now the uncompromising foe to civil rights)—he would ask that noble Duke, in what situation this country would be placed, if that feeling of anarchy and disappointment which he had described as prevailing on the continent were wafted to our shores, and found us discontented and disunited? Could he, in such a case,

guarantee our security—could he maintain our safety? If he could not, great responsibility would rest upon his head, and upon the heads of those who supported him in his opposition to a measure of which the whole people of England approved, and in return for the success of which they would have given their lasting gratitude and affection. Such, then, was the democratic and revolutionary measure which some individuals seemed to be so much afraid of. In a fatal moment—for such he esteemed it—the Lords had shut the door against that measure. Not after mature deliberation in Committee—not after due and elaborate consideration,—no, but with a degree of scorn and contempt by which they had added insult to disappointment. As to the ultimate success of this great measure he had no doubt. This Bill of Reform was too well known to be thrown aside and forgotten. The spirit of the people was much too strong to be kept under—it was far too ardent to be got rid of by any subterfuge. The great mass of the people had now too much sense, too much penetration, too much discernment, to be cheated and deceived by the sophistry of the rotten borough advocates. They proceeded on the immutable principles of justice and truth; and unless England were the only place where public opinion was to pass unheeded, they must succeed. The public voice had declared, in tones not to be mistaken, what was the public feeling; and, do what they might, public opinion would prevail. One point more, and he would not trespass further on their attention. As to the resignation of Ministers, he left that point completely out of the question. To retire from public affairs at a moment like this, when supported by the people, and addressed by the country to remain and finish the great work which they had begun, would be a species of treason. It would be meanly to betray the trust reposed in them by a great, a good and a confiding people. No, a very different course must be pursued. Ministers must take every means the Constitution afforded them to obtain for the people an efficient Representation. They must persevere. Believing, as he did, that on this measure the peace, and tranquillity, and prosperity of the country depended, he would say to them—"Go on as you have done; this is not the time to falter. Look neither to the right nor to the left; seek not to pro-

cure favour from any quarter, except that of your Sovereign and his people." Let them proceed thus, and their labours would be shared and assisted by many. They might, in carrying this measure, be assured of such a support as would overwhelm their opponents; and in the time to come, their names would be blessed and consecrated with the eternal gratitude of their country. For the reasons which he had stated, he would give his warmest support to the motion of the noble Lord. It was due to the Ministers, it was due to the dignity of the House, it was due to the people, with whose wishes and desires it was in the most perfect accordance.

Mr. Fane said, that in the whole course of these proceedings much stress had been laid on the propriety of concession. Yet concession had in many instances produced effects very different from those which were expected from it. Charles 1st and Louis 16th had both granted extensive concessions, and their fate was well known, whilst George 3rd and his Minister William Pitt withstood concession, and weathered the storm safely. It appeared to him that those who most strenuously argued in support of the necessity of this measure, had listened to the clamour of faction, and had mistaken it for the voice of the people. Gentlemen might be displeased with the vote which had been given elsewhere, but it could not be denied that those who had given that vote acted like courageous and independent men. They had, in the honest discharge of their duty, dared to resist what was said to be the will of the King—they had dared to resist the voice of clamour, but, above all, they had dared to resist a majority of that House. With respect to the Resolution now before them, he certainly should oppose it. He could not, in any respect, give his confidence to the Ministers. Look at their foreign policy. They showed hostility to the allies of England while they were friendly towards her enemies. Of their colonial policy, those best acquainted with the colonies and most interested in their welfare, loudly complained. And as to their domestic policy, it was open to severe animadversion. Ministers affected to carry on the Government without patronage. But he would say, that since the time of Walpole such an accumulation of influence and patronage had never been in the hands of any Administration. He did not think that the present Resolu-

tion could be carried, because many of those who voted for the Bill had complained of various defects in it, and they would not now be in haste to pledge themselves anew to the whole measure. If a just bill were laid on the Table—a bill preserving to both Houses of Parliament and to the Crown their proper rights—a bill that would not at one stroke destroy very extensive rights of property—he would be one of the first to support it. He had no personal feeling in the part which he had taken. He was only anxious for the peace and happiness of his country.

Sir James B. Johnstone said, that as one of the Representatives of a county containing 1,500,000 inhabitants, he felt it right to record his opinion. He greatly regretted the loss of the Bill. He knew not yet how his constituents had received the tidings, but he hoped they had on the occasion shown that good sense which he had always known them to manifest. He should vote for the Resolution. The proceedings in the House that night were, he conceived, intimately connected with the tranquillity of the country; and he hoped, after the assurances of support which Ministers had received, that they would not think of abandoning their situations.

Mr. Offley said, he had received certain resolutions, agreed to by his constituents, in which they stated their conviction, that the resignation of his Majesty's Ministers at the present crisis would be a great national calamity; and he took that opportunity of expressing his full, cordial, and heartfelt concurrence in the sentiments of his constituents. He agreed entirely in all that had fallen from hon. Members who had spoken in favour of the Resolution: and he felt perfectly convinced, that if the people were disappointed, with respect to the great measure on which they had set their hearts and souls, it would be for a moment, and but for a moment only. At the same time, the people looked forward with stronger determination than ever to the triumph of the measure, and with the fullest confidence that the present Ministry would achieve that triumph for them. He hoped, therefore, that the Ministers would not allow themselves to be swayed by any of those ceremonies and punctilios of resignation by which some Ministers had thought themselves bound to act after a defeat upon any great question. He expressed this hope because this

as many words, that the laws were worthless, of no force or value, unless they chose to obey them, and, consequently, confided to the mob itself the decision of whether there should be any law or not. What would they say of a Magistrate who, when called upon, in consequence of the conduct of an infuriated mob, to read the Riot Act, should say, "Oh! the Riot Act! that is the law, to be sure, but then first I will give you a disquisition in which I shall prove that you are great fools if you pay any attention to it?" The hon. Gentleman had said that there were but two ways of governing a people—namely, by public opinion or the sword. Now, he (Mr. Croker) would say, that there was but one way of governing a people—by the law! The pretended government by the sword was no government at all—and a government by mere public opinion could not last a month. The law was made to protect us from the sword. "*Inter arma silunt leges*" was a maxim amongst the Legislators and Jurists of almost every civilized State. The law and the sword, in our happy country, were considered to be incompatible with each other, and the alternative which the hon. Gentleman had chosen to put was one which he hoped no English understanding would ever acknowledge. The hon. Gentleman had said much about the legislative authority of public opinion. Now he (Mr. Croker) was ready to admit that public opinion had a good deal to do with the making of laws, but, in his judgment, it should have nothing to do with the execution of the laws. If the laws were made to protect us from the sword, they were also made to protect us, in certain cases, from public opinion. He would instance a case. Public opinion was much averse to the use of threshing-machines, and to the introduction and use of foreign manufactures into this country. Now he would suppose that the threshing-machines were wilfully broken, or foreign manufactures destroyed by the act of an incendiary; would the Secretary of State say that public opinion should control the operation of the law? On the contrary, would not a large reward be offered for the detection of the perpetrator of such offences? He might also instance the use of spring-guns and steel-traps, with reference to which the public opinion had been long since expressed so strongly; indeed, with reference to this subject, the bill which Government had brought in, legal-

izing the use of spring-guns, &c., was the only measure which the present Government had proposed during this Session for securing the public safety. It was strange that the Government should have re-enacted a measure which had been formerly hooted out of the Statute-book. He did not think the public opinion had changed upon that subject; he believed it was as strong as ever. What, then, could the hon. Gentleman say for his friends, whose only legislative measure was a direct contradiction to his doctrine, that laws should be subservient to public opinion? And what was public opinion? Shakespeare had said—and he was a good judge of human nature—"a plague upon this 'opinion; it is like a leather jerkin, you 'can wear it on both sides.'" The hon. Gentleman thinks public opinion is with him, and if clamour be opinion he is right—we say that public opinion is with us, and if opinion be the result of reflection and judgment, we are right. But if the will of the multitude be public opinion, and if they were to be governed by it, public opinion might say, "We will resist the payment of taxes." The hon. Gentleman himself had said that the tax-gatherer would be resisted. Did he mean to encourage and defend that resistance on the ground of public opinion? He thought the hon. Gentleman, in his disquisition on public opinion, was really only punning upon the words. There were two kinds of public opinion—one was that to which the hon. Gentleman had alluded—the clamour of an excited people; the other was that which resulted from the intelligence, the habits, the reflection, and the experience of settled society. To the former, it seemed, the hon. Gentleman gave omnipotent power—the latter he did not seem to notice at all. The hon. Gentleman had thought proper to ridicule an Act of Elizabeth, but the allusion was singularly unlucky; he should have recollected that that very Act, the absurdity of which he ridiculed, was passed by the force of public opinion.

That a British House of Commons could have heard the hon. Gentleman say, that there were only two ways of governing a people—either by public opinion—(as contradistinguished from law)—or the sword—without feeling in something new something which ex-  
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though he confessed appearances were the other way, that they had prompted, or even encouraged it, because they were answerable for the peace of the country, and, being so answerable, he could not suppose they would have thrown this additional ingredient into the cauldron of excitement, which was already boiling over. The Motion, if agreed to, would be a mere repetition of former votes of the House. How, then, could it tranquillize the country? The Motion stated that the Bill had been received with unequivocal satisfaction by the country; but so far as he had been able to observe, nothing could be more equivocal than the expression of public satisfaction with the Bill. He believed that the hon. member for Preston had spoken the truth with regard to the state of public feeling towards the Bill, when that hon. Member said, that he had found nobody in favour of the Bill except those who were to get something by it—a very small proportion, he believed, of the people of England. But the noble Lord (Ebrington), in a speech of great moderation, had told them, that this Motion would tranquillize the country. He was of a contrary opinion: in the first place, he did not think that the country could be much dissatisfied at the rejection of a Bill of which nobody cordially and entirely approved. In the next place, he did not see how, even if the Bill were universally popular, this Motion could have such a tranquillizing effect. The Bill had been passed by a majority of 109—a majority so large that the supporters of the Bill thought it would secure its triumph in another place. Did the noble Lord expect to get a larger majority? The noble Lord, however, would take nothing by his Motion, because it was so worded, as if of set purpose, that a division on it must be equivalent, and no more, to the late divisions on the Bill. It was impossible that any man of honour, any man of sense, any man who had conducted himself with the spirit of patriotism, and who had opposed the Bill in any one of its stages, could vote for the Motion. Therefore, the noble Lord's proposition was at best mere tautology. Telling them that the country was alarmed and excited, the noble Lord forced them into new discords, and made them enter once more into angry debates, the object of which he could not for his life discover. He could, however, perceive a mode in which what he believed the object of the noble Lord to be, could

have been readily attained without subjecting the House and the country to the inconvenience that might result from this Motion. All that could have been necessary would have been, for one of his Majesty's Ministers to have risen in his place, to have gone into the history of the progress of the Bill, to have stated the majority by which it had passed that House, and then to have declared that the Ministers meant to persevere in their intentions, and to bring in another Bill. This would have satisfied the friends of the Bill, and have saved the country from the danger to which it must be exposed by every renewal of angry discussions. He said angry discussions, because on such topics angry discussions were unavoidable, though he hoped that nothing would fall from him to encourage heat and irritation, or aggravate the inconveniences and dangers which must ensue from now bringing forward such a Motion. On the contrary, he should be careful to treat the subject before them with all the temper, and calmness and deliberation which so important a matter deserved. In his opinion the motion of the noble Lord was of a dangerous nature. The noble Lord, he was sure, did not mean to do anything dangerous, but what he meant by the word dangerous was, that this Motion excited feelings which ought to be allayed, and therefore he considered it dangerous. If, then, the Motion were a dangerous one, as tending to excite feelings which ought rather to be allayed, what should he say of the means by which it had been supported—of the speech of the hon. and learned member for Calne? That hon. and learned Gentleman had told them, that the danger arose from the fact that the law, he feared, was not strong enough. And in what mode had the hon. and learned Gentleman, himself a lawyer, endeavoured to strengthen the law—to render the law more venerable and more effective? Why, by making a thousand allusions to our legal system, every one of which allusions was in a tone of depreciation and censure. Montesquieu had said, in his "*Esprit des Lois*," "*celui qui assemble le peuple l'émute*;"—whoever assembles the people disturbs them. Did not the hon. Gentleman's speech tend to rouse such assemblies? And what were the arguments by which he inculcated on those assemblies that laws were to be respected and obeyed? He told them in

as many words, that the laws were worthless, of no force or value, unless they chose to obey them, and, consequently, confided to the mob itself the decision of whether there should be any law or not. What would they say of a Magistrate who, when called upon, in consequence of the conduct of an infuriated mob, to read the Riot Act, should say, "Oh! the Riot Act! that is the law, to be sure, but then first I will give you a disquisition in which I shall prove that you are great fools if you pay any attention to it?" The hon. Gentleman had said that there were but two ways of governing a people—namely, by public opinion or the sword. Now, he (Mr. Croker) would say, that there was but one way of governing a people—by the law! The pretended government by the sword was no government at all—and a government by mere public opinion could not last a month. The law was made to protect us from the sword. "*Inter arma silunt leges*" was a maxim amongst the Legislators and Jurists of almost every civilized State. The law and the sword, in our happy country, were considered to be incompatible with each other, and the alternative which the hon. Gentleman had chosen to put was one which he hoped no English understanding would ever acknowledge. The hon. Gentleman had said much about the legislative authority of public opinion. Now he (Mr. Croker) was ready to admit that public opinion had a good deal to do with the making of laws, but, in his judgment, it should have nothing to do with the execution of the laws. If the laws were made to protect us from the sword, they were also made to protect us, in certain cases, from public opinion. He would instance a case. Public opinion was much averse to the use of threshing-machines, and to the introduction and use of foreign manufactures into this country. Now he would suppose that the threshing-machines were wilfully broken, or foreign manufactures destroyed by the act of an incendiary; would the Secretary of State say that public opinion should control the operation of the law? On the contrary, would not a large reward be offered for the detection of the perpetrator of such offences? He might also instance the use of spring-guns and steel-traps, with reference to which the public opinion had been long since expressed so strongly; indeed, with reference to this subject, the bill which the Government had brought in, legal-

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That a British House of Commons could have heard the hon. Gentleman say, that there were only two ways of governing a people—either by public opinion—(as contradistinguished from law)—or the sword—without feeling indignation, was, he thought, something new in our history, and something which excited his astonishment. The hon. Gentleman, besides this general dis-

quisition on the validity of laws, had descended also to particulars. He, in his speech, taught the people both why and how they might best resist the laws. He first began by telling the Press, that the Seditious Libel Act, which had some years ago passed the Legislature for the purpose of restraining the licentiousness of that Press, was like every act which did not rest on public opinion—that it was a dead letter, and that it hung like a rusty sword against the wall, hurtful to no one, and a reproach only to those who kept it there. That act he (Mr. Croker) was not called upon to defend in this place; it sufficed to him that it was the law, and that an hon. Gentleman, who was himself a lawyer, should have put forth such an opinion, and should thus publicly teach the people the mode of evading, and when evasion was not enough, of defying the laws, greatly surprised him. The hon. Gentleman next told the people how they might defeat the law, by Associations and Unions, and in effect was so superfluously instructive, as to inform the people how such anti-legal Associations might be got up. The learned Gentleman reminded them of the Catholic Association in Ireland—he thought they might have been spared the remembrance of that Association, as it excited recollections which had better have been forgotten: he had spoken of the law which had been enacted to put down that Association, and he had asked if it had effected its object, to which he himself replied by telling those whom he advised to emulate that Association, that it was a useless and an impotent law, over which that Association had triumphed, and he attributed that great measure of Catholic relief, which he so much eulogized, to the resistance of the Catholics to the law, thereby holding out an example and an excitement to the people of this country, to obtain their wishes—whatever the popular wishes of the moment might happen to be—by a systematic invasion and studied defiance of that power, which, up to this day, had been considered the palladium of all our civil and religious liberties, our individual security, and our national greatness—the law of the land! He could not but admire the great talents and distinguished eloquence of the learned Member; but, at the same time, he must say, that he could not call his speech of that night anything but a piece of splendid mischief. He felt—who indeed could be blind to the fact—that these were times of

danger, but he believed, with the hon. member for Middlesex, that the tranquillity of the country would be preserved, and that the people would be peaceable, and submit to the law without the intervention either of the sword, or of violent legislative measures; but then he could not conceal from himself, that with the best disposition in the world, one unhappy spark might create an explosion; and he must own, that he had seldom heard a speech more likely—if it should reach the populace—to produce that lamentable effect, than the fervid declamation of the learned member for Calne.

He trusted that he had not said a word that was calculated to create excitement, and he must implore the House to recollect that this Debate, and the division which must ensue, had been forced upon his side the House. He had been most anxious to avoid a hostile discussion at such a moment; and Gentlemen on his side the House had striven to discover if, by any possible means, a division could be prevented; but they had found, that as men of honour and as statesmen, they could not acquiesce in the Motion. He could not conscientiously vote for the Motion, although he was ready to make any sacrifice that was consistent with his duty to prevent disturbance; for he well knew that a riot, however slight at first, might proceed to the greatest height, if encouraged or exasperated. Under these difficult circumstances he hoped that nothing had fallen from him which was in the slightest degree calculated to endanger that public tranquillity, for the maintenance of which the Government was responsible, but which he thought the friends and advocates of the Government had done all in their power to endanger.

Mr. Sanford wished to make an observation upon one point of the speech of the right hon. Gentleman who had just sat down. The right hon. Gentleman had laboured much to show that the Ministerial side of the House and his noble friend (Lord Ebrington) were responsible for this Debate. Let him tell the right hon. Gentleman, that this was labour quite thrown away. Far from having a disposition to evade, he and his hon. friends were proud to share with his noble friend any responsibility which might have been incurred by bringing forward the Motion now under discussion. For his own part, he gave his most cordial support to the Motion, because he believed that the effect of it

would be to tranquillize the country, and to allay the excitement that prevailed out of doors. The right hon. Gentleman appeared to think that it would have been quite enough for the noble Lord (Althorp) to have recapitulated what had passed upon the subject of the Bill, and to have declared that Ministers would persevere with the Bill. Let him tell the right hon. Gentleman, that this would not have been enough for the people, however satisfactory it might have been to the right hon. Gentleman's friends. The people had a right to be assured publicly, that the Members whom they had sent there to support the Reform Bill were determined to carry that measure, let who would oppose them, and that the flimsy arguments and the artful devices by which it had been attempted to get rid of the Bill, so far from having altered their minds, had only had the effect of strengthening their determination to make this Bill, what the people desired it to be, the law of the land. He would tell the right hon. Gentleman, that there was one thing which, if he had been undecided, would have convinced him that this Motion was a good one, and that one thing was, that the right hon. Gentleman had opposed it. He well recollected—as who could forget?—the manner in which the right hon. Gentleman had opposed the Bill. The right hon. Gentleman and his friends had, in the course of the discussion on the Bill, affected to be surprised that none of their suggestions had been adopted, and they had even complained that no symptom of conciliating them had been manifested by the supporters of the Bill. Conciliation! conciliation to opponents who had openly declared that they would hamper the Ministers as far as they could in Committee, and that, whatever amendments of theirs might be agreed to in Committee, yet, objecting to the Bill totally, they would vote against it when it came out of Committee! Such opponents were only to be met by the most uncompromising, unconciliating, and determined opposition, and if this had been the opposition with which the Gentlemen on the other side had been met, they had only themselves to thank for it.

Mr. O'Connell said, that a right hon. Gentleman who had recently addressed the House had told them, that the Question then under discussion had been forced upon them. He agreed with the sentiment of the right hon. Gentleman. The

question had been forced upon them; it was intended that it should be forced upon them, for, backed as it was by the unanimous voice of the British nation, it was forced upon the consideration of a British Parliament, and it should be carried into effect; ay, and if need were, forced into effect against whatever opposition might be arrayed against it, notwithstanding the decision in another place—the weak and foolish, he would not call it wicked, decision. It was the business of that House to see that the interests of the people were not neglected, were not injuriously postponed: such was the business of that majority of Members who had combined to insure the passing of the measure of Reform. He could not see that any dissent could reasonably be offered to the Motion before them: that Motion did not affect the details of the Bill—it only dealt with its principle; and regarding that, there could be but little disagreement, since everybody was ashamed of not being a Reformer now, the only point of distinction being the quantity of Reform it was expedient to bestow. The other proposition included in the Motion was, whether the confidence of that House should be reposed in his Majesty's Ministers. He was for imparting to them their full confidence: and his reason for so doing was, that they had brought in the Bill, and defended it, and carried it through the most tiresome, if not the most vexatious opposition that ever attempted to stay the progress of a beneficial measure through that House. In stating this, he begged to say, that by an accident he had had the misfortune to lose the speech made that night by the hon. member for Boroughbridge. Yet he did not know that the privation was a misfortune. He was not quite sure that he was justified in regretting the loss of the hon. Gentleman's eloquence, seeing that he had had the fortune to hear him address himself to the Question of Reform no fewer than seventy-five times; and he doubted whether even the fertile imagination of the hon. and learned Member could at that hour enrich his oratory with any new flowers of argument or any new turns of expression. An hon. Member near him (Mr. Fane) had brought forward the fruits of his historical research, and told them that the concessions granted to their subjects by Charles 1st of England, and Louis 16th of France, had been the cause of their ruin. Now he (Mr. O'Connell)

would inform the hon. Gentleman, that this mode of illustrating his argument proved that he had been reading history to little purpose. He would give him a different reading of the events to which he had referred. It was because Charles and Louis had conceded too late that they were ruined. The hon. Member had informed the House that these monarchs perished by concession, while George 3rd was saved by refusing to concede. He would also set the hon. Gentleman right on that point:—George 3rd had nothing to concede to England, but he had concessions—equitable concessions—to grant to America, and there, in the sole case in which they were wanted and demanded, he lost his sovereignty over the country whose appeal was disregarded. None of these instances presented any parallel to the present. The Sovereign of these realms had attended to the prayer of his subjects—our gracious King had no concession to make—that which barred the strong and general wish of the nation was a rapacious, a sordid oligarchy, standing between the Throne and the people. An interested faction, which usurped the privileges of the one and the rights of the other. For the first time the people of England, Ireland, and Scotland, had banded themselves firmly together to cry for the restoration of their rights from the boroughmongers, and who or what should gainsay their demands? It was, he admitted, rather unreasonable to ask Tories to read history, but he would not require them to travel very far back—he would ask them what they understood by the transactions of that House concerning another measure, happily now passed into a law. That House had three times passed the charter of his country's liberties, three times, he repeated, had the bill for Catholic Emancipation been forwarded to the House of Lords, and as many times was it rejected, in opposition to the liberty of conscience and to the freedom of the country. But he would ask the opponents of Reform, did that rejection succeed in putting down the feelings of the people? Did it succeed in restoring tranquillity among those who called for their rights? No—it only served to prolong for some additional years the continuance of agitation and strife, and it ended—how? By the enemies of the measure being at last obliged to yield to the pressure of justice and public opinion. He could not

precisely say whether the same strong feeling were extant in England on the subject of Reform, but he did think that the people of England were not less resolute than his countrymen. He knew the spirit that prevailed in Scotland, and he could tell the inhabitants of those two great sections of the empire, that the people of Ireland were equally determined as they were, to see that justice should be done. They had been told, that if the Members of that House only acted discreetly—only preserved a laudable moderation—only affected to believe that the public mind had relapsed into quiescence—that the people would be lulled into a forgetfulness of all that had passed. But the people were not so blind as some persons chose to pronounce them, and they would not submit to be deceived by that or by any other House. What would the people of England say to an Administration formed on Anti-reform principles? What would be the fate of such an Administration had been already seen, for at the moment after a late Minister had made his celebrated declaration, from that moment the persons of him and his colleagues ceased to be safe. Was it not true that they were afraid to enter the city of London unguarded? Could hon. Gentlemen have forgotten the fears of the late Premier of being attacked in the city of London, from the time he uttered the declaration against Reform until he tendered his wise and proper resignation, and appeased the popular discontent? Suppose a new Administration were formed, taking away from Scotland all hope of regeneration, what would be the consequences of driving to despair her brave and determined people? What would be the consequence of restoring to long abused power a party inflamed to frenzy by the curbing of their malevolent passions—a party to whose spleen and selfishness the interests of the people had been sacrificed for years? What would be the consequences of allowing faction again to reign triumphant in Ireland—of permitting the orange flag to float over that island, and the black flag over Scotland? What would be the result of turning a deaf ear to the multitudes in the manufacturing towns who had been basely deprived of their proper privileges? He would call him a bold man—he would also call him a bad man—who should advise that House wantonly to sacrifice its sole remaining chance of becoming in



tranquillity and concord the real organ of public opinion. They had been interrogated as to what good would result from acquiescence in the present Motion. The good was palpable enough. It would prevent the people from sinking under apprehension or becoming outrageous from disappointment—it would cause hope to take the place of despair—it would throw overboard that body of discontent which distressed and impeded the majestic course of England's destinies, and which had been generated by a long night of oppression, and was nursed and fostered by the decision of the House of Lords; all this would it do if they spoke their minds emphatically that night. They were bound to support Ministers, and they might support them without fear. It was the act of his Majesty's Ministers which had brought them there—by that act Ministers were pledged to abide; they could not shrink from the trust, and the House had a right to call upon them to proceed in their purpose by all the paths and ways recognised by the Constitution. The powers of a right hon. Gentleman (Mr. Croker) had failed him when he attacked the speech of the hon. member for Calne—a speech distinguished by genuine eloquence, the brilliancy of which met the mental eye with greater lustre because it was set off by the light of profound judgment. And how had the right hon. Gentleman assailed this speech? By selecting portions of insulated opinions, and animadverting upon them, to the exclusion of other and essential considerations. He had endeavoured to ridicule the hon. Member's ideas of the force and dignity of public opinion, by bringing forward the breaking of machinery as an example of the absurd and mischievous effects it had produced. He had not given his example fairly. Why did he confine it to the act of poverty and ignorance? To meet the scope of his argument he should have had the Judges and the Counsel indicted for the same crime. Opinion, when once awakened, would soon make itself heard. He was declaring no secret when he said that it was but for the purpose of avoiding danger that the bill for emancipating the Catholics had been introduced to Parliament by the previous Administration. He understood that the state of the country was awful. He was not himself acquainted with the state of England, but he had heard that there had been a re-action on the question of Reform in the public mind, and he found that, in reply to this assertion, the people had assembled in multitudes, in the tranquil determination to seek and obtain their rights. He might be told that he was mistaken—he might be told so by some poor Radical, who made a trade and profession of his politics [Mr. Hunt cried “!hear.”] He begged pardon of the hon. member for Preston, the late Secretary for the Admiralty had quoted him in his absence. That right hon. Gentleman relied much on his opinions respecting the people of England. How were those who threw a doubt upon the popular feeling answered?—Why, that very day there had been a meeting of 40,000 persons in the parish of Marylebone, to consider the course it became them to adopt on the vital question. He was happy to see the Holy Alliance that had been formed between the right hon. Gentleman and the hon. member for Preston; but notwithstanding their united efforts, he ventured to predict that peace and liberty would survive to bless the nation. The stand made against the Bill by the Tories left him one consolation, for if it were postponed much longer, more would be demanded; and if the prayer of the people did not go the length of Universal Suffrage, it would most probably call for the excellent measure of the Ballot; and if the Aristocracy could but see their own interests they would have attended early to the popular voice. If no concession were made to the just demands of the people, might they not eventually protest against any aristocratical rights whatever? Were their Lordships wise in telling the people that the Representation must not be amended? Might not some one start up and talk of the absurdity of hereditary legislation? Might not some person next week—a man who had spoken in glowing and generous anticipation of the harmonious blending of King, Lords, and Commons, devoted in unity to the whole Constitution—might not such a person, in the bitterness of baffled expectation, question the right and sense of voting by proxy—of deciding without having heard? Might not men be stirred to speak of the absurdity of a legislative power which descended from father to son—from wisdom to idiocy—from him who had rendered splendid services to his country to him who had done nothing but mischief to his country? If such topics were raised, with whom would they origin-

ate? All at that hour was peace—not a turbulent hand had been raised; but who would answer for the occurrences of another month—a week—a moment, after the absurd rejection of the conciliatory measure in another place—a proceeding which, whatever sanctity the House that authorized it claimed, left no impression of that sanctity clinging to him. He would now put it to the House what they were to do for the people. His counsel would be, that they should rally round Ministers. During five years of Mr. Pitt's Administration 100 Peers had been created to second his views: that was their only service. The country expected that the King's Ministers would imitate the example, and come forward with manliness and apply a remedy adequate to the existing emergency. If there were a majority of forty-one in the Lords, why not create eighty-two? The people had sent to that House a sweeping majority in favour of the Bill—why should not Ministers introduce eighty-two Reformers into the other House? Then would the Peerage be safe. Did hon. Members hold the House of Peers to be so good that it would be tainted by a sprinkling of Reform? Was it so good a thing that the Tories wanted to monopolize it? He believed they would as long as they could keep the property of the boroughs in their clutches. He had heard only a few days before, that one of them had given 80,000*l.* for Gatton which his Lordship might naturally desire to keep by his vote. He would forbear to trespass longer on the time of the House. The Bill for readjusting the constitutional interests of the empire had been brought in by Ministers, and he anxiously and earnestly hoped, that hon. Members would come to a division that night guided by their conscience and the interest of their country, such as might lead, by doing justice, to the speedy settlement of the question, allaying those angry passions that shook the frame of the community, rendering England contented—Scotland satisfied—and Ireland delighted.

Colonel Evans would vote for the Motion, because he felt assured that no Government could preside over this country but a Government of Reform. If an Administration were formed to coerce British feeling and govern the country by the sword, he would be one of the first men to draw a sword against it.

Sir Charles Wetherell rose to call the  
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hon. Member to order. He moved that the hon. Member's expressions should be taken down.

The *Speaker*: Colonel Evans rises to explain.

Colonel Evans was not at all surprised at his expressions being taken up as they had been by the hon. and learned Gentleman, who had distinguished himself by that course of extracting explanations. The words he had used were—that if the government of the sword were established in this country—a circumstance which he did not think possible—he would be one of the first men to raise a sword against it.

Sir Robert Peel could but regret that the hon. and gallant Member should think it necessary to put a hypothetical case of establishing a government of the sword. Such hypothetical assumptions of governments established by the sword was like the pouring of oil, of which the learned Member had just spoken—it was pouring the oil of the sword on the stormy waves of our present discontent, when hon. Members said, that they wished that the angry passions might be soothed, and that the excited feelings of the people might be calmed. He had meant to take no other part in this discussion than was necessary to vindicate his own consistency in the vote he should give, and he should not have departed from that determination had not the speeches lately made formed such a signal contrast to the speeches of the noble Lord who opened the Debate, and the hon. Member who seconded the Motion. The noble Lord meant, by proposing his Resolution to pledge the majority who had passed the Bill to adhere to its principles. The noble Lord naturally expected that the Members who voted in that majority would vote for his Resolution; and naturally perceived, that those who voted against the Bill were precluded by that from acceding to his Resolution. When the hon. and learned Gentleman who had spoken some time before (Mr. Macaulay), said nothing had been uttered on the principle of the Resolution—did he expect—did the House expect, after the long discussion of what the hon. and learned Gentleman called disgusting and weary details of the Bill; did the hon. and learned Member expect that on that occasion they were to renew the whole Debate on the question of Parliamentary Reform? Those who would now vote for the Resolution had already proved their

approbation of the principle of Reform; and he must consider it quite unnecessary that those should again agitate the subject who had expressed their opinions by voting against the second reading of the Bill. The object should rather be, to place the subject at rest; and he did not think the agitation was likely to be calmed by again renewing the discussion. It would be more meet, under the present circumstances, to use the language of wise moderation. The great majority of the House had no occasion to prove by the present Resolution their attachment to Reform; and they would best support the Constitution, and best secure their own view of being very moderate, and calming the excited feelings of the people on this important subject, by voting against the Motion. Nothing certainly which had happened should make him not adhere to that moderation he recommended. He could not forget, that on the last time he had addressed the House, he had expressed his satisfaction that no personal differences had taken place during the Debate, and the noble Lord's (Lord Althorp) reply had expressed a hope that all animosity would be buried. He knew not what necessity there was now to revive animosity. It was not justified by the occasion on either side, either in defending the Administration, or in assigning the reasons in detail for withholding confidence from the Government. In stating some of the grounds for withholding that confidence, he should avoid all acrimonious discussion. If the majority thought it advisable to agree to a Resolution to support the Bill, in order to place it upon the Records of the House, that was not the time for him to enter into verbal criticism of the Resolution, for which he certainly did not mean to vote. He, however, doubted, under the circumstances, if it were wise in the noble Lord to call on the majority to agree to such a Resolution. He thought the divisions on the Bill a sufficient proof of the determination of the House to support the Bill, without entering into any such Resolution. That Resolution called upon the House to affirm two propositions, not necessarily connected. They were called upon to declare in favour of the Reform Bill, and to declare, at the same time, that his Majesty's Government was deserving of their confidence. He thought it unwise to call on the House to assent to the two propositions in one Resolution, and it would be more compli-

mentary to his Majesty's Government, as well as more customary, to give expression to the confidence of the House in a distinct Resolution. Allow him to say to the hon. Gentleman opposite (Mr. Thomas Duncombe), that he had heard his speech with great pleasure, and was only prevented from giving it great praise by the compliment the hon. Member had thought proper to pay to him; but that speech was distinguished by a tone of moderation which the majority would do well to adopt. The hon. Gentleman thought it would be most unfortunate if his Majesty had no other alternative to pass the Bill but to create a number of Peers. He said, that every other measure ought to be adopted in preference to that, and that such an alternative should be only had recourse to if all other means failed; he was anxious that the House should not despair, and thought that there was yet time to avoid the difficulty by meeting the Peers half-way. But if the hon. Member entertained any hope of that, was his course wise? Why, the Resolution he supported, cut off all hope for ever of moving one step towards reconciliation. The hon. Gentleman had a strange policy, for while he recommended the House to go half-way, he recommended it steadily to adhere to the Bill. He hoped to meet the other House half-way, and he counselled the House of Commons not to move one step. The tone of the hon. Gentleman's speech was that of moderation, but he supported a Resolution which cut off all hopes of a compromise. Was it not evident that there was a contradiction between the hon. Gentleman's speech and the Resolution he supported? Hon. Members must see, that the Resolution was a compulsory proposition. Another hon. Gentleman had said, that the provisions of the Bill might have been modified had it not been for the obstinacy of the Opposition. According to that, it was the troublesome Opposition which prevented the Bill from being made perfect; but the vote the House was called on to come to, implied that it had been made perfect by their obstinacy. It was urged, as one ground for the Resolution, that the Bill had been matured by discussions the most anxious and laborious. And the fault he had to find with the Resolution was, that it implied that this Bill ought to be adhered to, when an equally efficient measure might be introduced, which this Resolution would pre-

clude them from accepting. Why pledge the House to the Bill as it stood, and why exclude themselves from accepting another measure equivalent to that? The Resolution pledged the House to all the provisions of the Bill—it pledged the House to the 10*l*. clause. One of the many provisions, which was much insisted upon, and which was much objected to, was the uniform right of voting given to the 10*l*. householders. Now he had heard it stated, he would not say where, nor by whom, but he had heard it stated by a person of high consideration, that the arguments on the uniform right of voting had gone far to shake his mind, and he should be prepared to listen to extensive modifications. Great improvements, therefore, might be made in this part of the Bill, though he did not say those improvements would be restrictions; on the contrary, in some cases there might be a considerable extension of the right of voting. That was a most important part of the Bill. Perhaps some plan might be acceptable which would give that right to small towns at a lower rate, and restrict it to a higher rent in the larger towns: at any rate, the right might be advantageously modified; but if the House agreed to the Resolution, they would pledge themselves against any modification of that or any other of the provisions of the Bill. They might pledge themselves, if they pleased, to adhere to the principle of the Bill, but by pledging themselves to adhere to the provisions, they would prevent all improvement. On these grounds he objected to the Resolution. He doubted the policy of the majority who had supported the Bill pledging itself to adhere to the Bill, but being a member of the minority which had done all in its power to oppose the Bill, he must give his decided opposition to a Resolution which pledged him and the House to that Bill. He had heard the hon. and learned Gentleman (Mr. O'Connell) complain of the weariness and tediousness of discussions; he taunted the Opposition with being the authors of those tedious debates, but the Resolution of which the hon. and learned Gentleman was one of the most strenuous supporters, said, that the Bill had been matured by discussions the most anxious and laborious. The noble Lord's Resolution vindicated the pertinacious opposition, and on these grounds called on the House to support the Bill. The Resolution embraced two subjects—that of Reform, and confidence in the Govern-

ment. The House was called upon to express its confidence in the integrity of the Ministers, their perseverance, and their ability in introducing the Reform Bill, and in conducting it through the House. He did not wish by any means to lower the character and weaken the power of the executive Government; and in expressing a difference of opinion from the Resolution, he begged to be understood as not implying any doubt of the personal integrity or perseverance of the Ministers; neither did he express any doubt of their ability in debates; but without doubting their personal integrity, their perseverance, or their skill in debate, he might still be far from placing confidence in them as a Government. He could not, for example, extend his approbation to the manner in which they had introduced the Reform Bill, nor the time of introducing it, both of which were, in his opinion, inconsistent with the interest of the country. The Resolution praised their conduct on these points, and against that part of it he could give a most conscientious vote. There were several other parts of their conduct which he did not approve of. The repeal of the Coal-duties had his approbation, supposing it practicable so far to reduce taxation; but their foreign policy, which he would not enter into, was anything but favourable to the interests of the country; but without stating all his objections to their policy, it was sufficient for him to say, that the Government was not entitled to his confidence on account of the manner in which they had introduced and supported the Reform Bill. The hon. and learned Gentleman (Mr. Macaulay) said, that refusing to acknowledge the principles of this Bill would expose them to a greater domestic danger than this country had ever before been exposed to. The hon. and learned member for Calne had told the House to look on the precipice on the brink of which they were standing, and he referred this danger to the conduct of those who had opposed the Reform Bill. The Opposition, however, considered that his Majesty's Ministers were mainly responsible for the crisis, from the extent of the Bill they had introduced, from the time when it was brought forward, and from the manner in which its temporary success had been ensured. He would undertake to say, that in the excitement which had been produced throughout the country, if the Ministers were to propose a bill for the

abolition of the hereditary Peerage, which the hon. and learned member for Kerry said might speedily become a question, it would not be difficult to persuade the people that the abolition was consonant to their interests, and that the peerage was full of anomalies, and at variance with their rights. He could not help complaining of the tone of the hon. and learned Member (Mr. Macauley). He lamented the expressions adopted by the hon. and learned Gentleman, and his observations on the present state of domestic danger. Why did the hon. and learned Gentleman seek, by stating strange principles, and exaggerating difficulties, to increase that danger? Why did he seek to augment dangerous passions on dangerous topics? Why did he not follow the example of the noble Lord? Admitting they stood on the brink of a precipice, why did he endeavour to increase their danger, and embarrass the course of Government, by inflaming passions which it was so desirable to lull? He must say, that the eloquence of the hon. and learned Gentleman not unfrequently got the better of his judgment; and now and then, though there was some semblance of argument in its declamation, when it was examined it was found to make rather against than for his side of the question. Then the hon. Gentleman had stated, that the House of Commons was generally, in relation to the House of Lords, in the right, and the bills it had sent up to the Lords, though at first refused, were afterwards assented to; but if the House of Commons had this general means of persuading or compelling the House of Lords to adopt its views, what became of that part of the hon. Member's argument which went to state, that the House of Commons was dependent on the House of Lords? Did not that prove that the two Houses were independent, co-ordinate powers, and that the opinion of the House of Commons generally prevailed? He was sorry that the hon. and learned Gentleman, in talking of danger, had again introduced menaces into his speech—that he thought it right to menace the House of Lords. The hon. and learned Gentleman's whole argument turned upon the principle of intolerance—I am right, and you are wrong. That was the whole of the hon. and learned Gentleman's assumption. He thought, however, that he was supported by physical power, and then he said, "You must give way." Could he not think that he was addressing

high and honourable men, who were capable of being influenced by reason and argument? and would it not have been more wise to expect to influence the decision of the other House by reasoning than by threats—threats that if they did not pass the Bill, they should be proscribed and exiled like the nobility of France? The hon. and learned Gentleman said, that it was important to produce tranquillity; and, therefore, he voted for the Resolution of the noble Lord: but, if he wished for tranquillity, would he call upon the House to enter into a pledge which excited hopes, perhaps encouraged discontent, and kept alive agitation? The hon. Member indulged in prophecies; and he never heard prophecies more likely to realise themselves than those of the hon. and learned Member. Instead of calling on the people to demand the Bill, why not enjoin them to rest satisfied and contented? Why encourage discontent and dissatisfaction? Why tell the people how they might resist the law, as the hon. and learned Gentleman did? The hon. and learned Gentleman (Mr. O'Connell) had alluded to the state of the metropolis, when an infamous attack had been made upon the life of the Prime Minister, and that Prime Minister the Duke of Wellington; an act of the basest ingratitude and the greatest wickedness. The hon. and learned Gentleman had alluded to the intended attack on the Duke of Wellington. [Mr. Macauley intimated that he had not alluded to any such thing.] No, it was the hon. member for Kerry he was alluding to; who had considered the attack on a Prime Minister of England, and that Prime Minister the Duke of Wellington, as the result of bitter excitement on this question; but while that hon. Member had spoken of the base attack on the life of the Duke of Wellington, not indeed by the middle classes, but by the lowest classes, the hon. and learned member for Calne had explained how they might avoid the penalties of the law, and avoid paying the taxes. Was not that exciting the passions of the people? The hon. and learned Gentleman deplored the excesses of the people, and their readiness to resist the law, and said it was hardly necessary to make a speech directing them how to show their hostility. He would also say a few words to the other hon. and learned Gentleman (Mr. Sheil), who had imitated the hon. and learned Gentleman, but had fallen below him. He would not follow

the hon. and learned Gentleman, being warned by his example, that the ambition to make a great attempt does not ensure success. The sentences of the hon. and learned Gentleman bore the marks of much labour, and were a credit to his industry. He had given the House several old stories, and among others that of the Sybil, and on her he thought the House had already drawn often enough during these Debates, and he hoped the rules of the House concerning females would, in future, be extended to her, and that she would not be suffered again to be present at the Debates. There was another female mentioned by Burke of whom the hon. and learned Member reminded him. Mr. Burke said, that persons who could imitate the contortions of the Pythian Goddess thought they had caught her inspiration. The hon. and learned Gentleman thought the whole essence of Toryism might be condensed into one short word, and that short word was East Retford. He wished his hon. friend, the member for Hertford, were present, for he could tell the hon. and learned Member, that he proposed extending the franchise of East Retford to Bassetlaw, and it was rather singular that the hon. and learned Member should have selected the act of a good old Whig to designate the party of the Tories. He hoped he had not said one word to add to the excitement which existed on the subject to which the Resolution referred, which it was his wish to calm. He understood that his Majesty's Government were to retain office; that they still enjoyed the confidence of their Sovereign, and still hoped to carry the Bill. There was one thing he thought certain—that they were the truest friends to their country who proclaimed, not that a majority had a fixed determination to support the Bill, but a determination to support the law; and that all language which tended to influence the passions of the people—all measures which tended to excite their hopes, would only end in greater disappointment to all. They ought not to refer to the possibility—they ought not to teach the people that it was easy to refuse the payment of taxes—they ought not to exaggerate the amount of persons assembled at public meetings, and encourage the people to form others. It was easy enough to say that 150,000 men assembled here and 40,000 men there, but before such assertions were made, individuals ought to be correct as to

the facts, for such statements led men to meet in other places; and such meetings could not take place, though for a legal object, without exciting apprehensions in the well-disposed, and without exposing the public peace to danger. Great masses of men could not meet without exciting apprehension. He wished that hon. Members would warn the people of the consequences of disobeying the law, particularly of refusing to pay the taxes. The whole community was deeply interested in preserving obedience to the law. It was not for the advantage of the few, but for the benefit of them all; and those mad proceedings now talked of would paralyse industry, suspend commerce, and inflict the most grievous injury on the lowest classes. Again he would say, that the people should be informed that the privileges of the Peers, which were now so lightly brought into discussion, were not conferred on the Peers for the gratification of their personal vanity—they were not so much personal privileges, as privileges conferred for the benefit of the whole community, and which had, on several occasions, been useful to the people themselves. The independence of the Peers was a guarantee and security to the liberties of the people, and tranquillity would be best preserved by respecting their rights. He did not like to trust himself on this subject of the popular excitement; but when he considered the influence of the Government, he was persuaded that if the same means were employed to excite an opinion against the Peerage which had been employed on the subject of Reform, it would not be difficult to produce a very strong dislike to it. In conclusion, the right hon. Gentleman declared, that all who had voted for the Reform Bill would probably vote for the Resolution, while all who had opposed the Bill were bound in consistency to vote against the Resolution.

Lord Althorp said, I feel all the difficulties of my situation—I feel that this Motion involves the conduct and character of the Government, and I therefore waited till the other Members had delivered their opinions, wishing to learn the feeling and opinions of the House before I stated my own views, or before I undertook the defence of any of our measures. I have now heard the opinions of Gentlemen, and will take the opportunity of saying a few words. From the opinions I have heard, it is stated that the conduct of the Government has not been such as to de-

serve the confidence of the House. The right hon. Baronet has adverted to the financial measures, and to the foreign policy, and to that still more important subject—the present state of the public feeling, for which he holds his Majesty's Government responsible. As to our financial measures, I will not now enter into any detail respecting them. Certainly, what I proposed on that subject did not meet with the approbation of the House; but I have the satisfaction, nevertheless, to know, that several of my propositions were attended with beneficial consequences. It has been said, that the remission of the tax on coals has not been productive of any good effect. In the immediate neighbourhood of town I allow that it has not; but in the remoter districts prices have fallen. Then, with respect to the remission of the tax on printed cottons, I have the satisfaction of knowing, that in the manufacturing districts it has had a great and beneficial effect. So that, admitting that the larger portion of the measures which I proposed did not experience the concurrence of the House, yet others have given much relief. On our foreign policy I will also abstain from entering into details. But we have the satisfaction to say, that we have preserved peace. One of the first pledges that we gave on entering upon office was, that we would endeavour to do so. We have redeemed that pledge, and there is no danger whatever that the present peace will be broken. As to the other and most important point to which the right hon. Baronet alluded, namely, the present state of the public feeling, I maintain that for that state the present Government are not accountable. When we came into office, we found a strong and universal desire existing for Parliamentary Reform. That desire had been increasing for many years. The right hon. Baronet and his friends were obliged to acknowledge its existence; and so strongly had it operated on the right hon. Baronet's mind, that he allowed it had induced him on one occasion (before the introduction of the late Bill) to abstain from voting in that House on the question of Reform. Such was the state of feeling when we came into office, and when my noble friend at the head of Administration gave that pledge on the subject of Reform which was consistent with all the principles of his public life. It has been insinuated by a right hon. and gallant

Officer, that his Majesty's Government increased the extent of their measure of Reform, because they found that they had lost the confidence of the late House of Commons. Now, I will ask, who that knew the composition and character of the late House of Commons would, in his senses, have proposed to them an extended measure of Reform in consequence of our having lost their confidence? Does the right hon. and gallant Member recollect the sort of impression which the measure made on its introduction into the late House? An impression so strong, that I am convinced if the House had divided on the first night, the Bill would have been thrown out by an immense majority. It was only after consideration, and after the sense of the country had declared itself in favour of the Bill, that we obtained the small majority that we did obtain. It was not we who excited the feeling in favour of Reform; but, that feeling existing, it would have been very dangerous to have brought in a delusive measure which would have disappointed the people. Undoubtedly, having passed the measure for the Reform of the Representation, by a great majority in this House, and having sent it to the other House of Parliament, we did expect that at least it would have been taken into consideration. In that expectation we have been disappointed. The right hon. Baronet says, that this Motion is unnecessary. I do not mean to say, that my noble friend did not previously tell me of his intention to propose such a motion; but the step was taken entirely without our suggestion. The object of the Motion—whether right or wrong it is not for me to say—is, that if the House thinks that the removal of the present Ministers from his Majesty's Councils would have a disastrous effect on public affairs, it was desirable that the House should express a strong confidence in those Ministers. It may be necessary that I should speak frankly and freely on the subject. For myself, I declare that unless I felt a reasonable hope that a measure as efficient as that recently passed in this House might be secured by our continuance in office, I would not continue in office an hour. Whenever that hope ceases, I will cease to hold office. Both my colleagues and myself owe too much to our Sovereign—we are too deeply indebted for the kindness, the candour, the frank sincerity which we have uniformly experienced

from him to desert the service of the King while his Majesty thinks our services valuable, and we ourselves think we can advantageously serve his Majesty. But we can no longer serve his Majesty advantageously if we sacrifice our character. Whatever may be the consequences of our retirement, it is our duty not to sacrifice our character. We owe also a great deal to the people. We have been supported by the people in the most handsome manner. The people have a right to demand that we should not desert them while our stay in office can conduce to their benefit. Sir, I will further state, that I will not be a party to the proposal of any measure less efficient than that lately passed in this House. I do not mean to say, that after the discussion and consideration which the measure underwent, some modification may not be made in it which, without diminishing its efficiency, may render it more complete. But what I mean to say is, that I will be no party to any measure which I do not conscientiously believe will give the people a full, free, and fair Representation in Parliament, and secure all the objects which we hoped to effect for them by the late Bill. It is impossible that his Majesty's present Government can make any other proposition to the House. I admit that the opponents of the Bill have had a great triumph; although, in the present Debate, with the exception of one hon. Gentleman, no great triumph has been expressed. But I am confident that the measure is only postponed. I am satisfied that if the people of England will be firm and determined, but at the same time peaceable and quiet, there can be no doubt of their ultimate and even speedy success. There is one, and only one, chance of failure and disappointment; I mean any occurrence that may lead the people to break out into acts of violence, or into any unconstitutional conduct. If I have any influence with the people, if they put any trust in my sincerity, I implore them, for the sake of the great cause in which we are engaged, to be patient and peaceable, and to do nothing illegal and unconstitutional. I would say to them, "Be as firm, be as determined, be as persevering as you please; but never break through legal and constitutional restraints; never place yourselves in a situation in which the law must be put in operation against you whoever are Ministers." By temperance, steadiness, and perseverance

the cause of Parliamentary Reform must ultimately triumph. Whether my colleagues and myself are destined to have the honour of success upon that question as Ministers, or whether, as in the Catholic Question, after having fought the battle, others are to enjoy the glory of the victory, I know not; but as long as I have any voice in the direction of public affairs, I will use my utmost exertions in the cause of Parliamentary Reform.

Mr. Hunt said, he felt very much delighted at hearing the noble Lord, the Chancellor of the Exchequer, recommending peace and obedience to the laws, the more especially as the public Press was inciting the people to acts of violence. He was persuaded, however, that the noble Lord need not be alarmed. Notwithstanding the instigations of the press, in his opinion the people would not commit any acts of violence. When the House of Lords threw out the Bill, the people had been recommended to preserve peace. There was no reason for such a recommendation. Where had there been any violence? Where had any multitudes of the people assembled? Had hon. Members seen the people in great numbers in their way to the House? When the Catholic Question was under discussion, the assemblage of people in the neighbourhood of the House was twenty to one as compared with the assemblage of that day; when the Corn bill was under discussion, they were as a hundred to one. The newspapers of that morning had said that all the shops were to be closed, and that papers with the words "no taxes," were to be posted on the shutters. He had put his horse to, and had driven through Westminster, and the City, and over London Bridge, and so to Blackfriar's Road, and in the whole of that distance he had not observed a single act of violence, and had seen only one shop with a single shutter up, on which was exhibited the word "Reform," in mourning. He had been asked why he was not in the Regent's Park that morning. His answer was, that he had no business there, and that he had not been invited. He had, however, been at a meeting that night elsewhere, and, being asked, had taken the chair. The meeting consisted of between two and three thousand persons. He thought he could not do better than submit to that meeting the proposition which the noble Lord had submitted to the House;



and the result was, that when the question was put, seven hands were held up in favour of the proposition, and above 2,000 against it. He had told the meeting that he had no confidence in his Majesty's Ministers. And why? Because they came in on pledges of Economy, Retrenchment, and Reform, which pledges they had violated. The kind of Reform which they proposed, he had never advocated in his life; and he was sure it would give no satisfaction to the people at large. [*much noise and coughing, and calls of "Question."*]

Mr. Croker rose to order. He hoped the House would listen to the hon. member for Preston, as he seldom troubled them at any great length.

Mr. Hunt proceeded. His Majesty's Ministers had come in on a pledge of Economy and Retrenchment. How had they redeemed it? When they were in opposition they opposed the grant of 16,000*l.* for the Propagation of the Gospel, and proposed that it should be reduced to 8,000*l.*, and the next year totally withdrawn. When they came into power, they obtained the whole 16,000*l.* Who were so loud as the present Ministers when in opposition against the extravagancies of Windsor Castle? And yet they who complained so loudly of the expense of the furnishing of Windsor Castle, obtained an additional grant of 10,000*l.* for furnishing two rooms. They had increased the army and the navy—they had called out the yeomanry and the militia. Was that economy? When the Committee on the Civil List—a Committee appointed by the present Ministers, brought in their Report, recommending a reduction of 12,000*l.*, that recommendation was rejected. Was that retrenchment? They then proposed an annuity of 100,000*l.* to the Queen, in the event of the King's death. If a Tory Administration had made such a proposition, what a clamour would have been raised against them! [*coughing.*] If the noise continued he would move an adjournment. The present Ministers had instituted no inquiries into subjects respecting which the people complained. They had proposed no investigation into the case of the Deacles, or into the occurrences at Newtownbarry, or Castlepollard. How could he have any confidence in men who had so conducted themselves? He understood that the Lord Chancellor had allowed himself to be drawn in his carriage by the

people, a thing of which he (Mr. Hunt) should have been ashamed at any time within the last ten years. Did any policemen interfere on the occasion? It would have been very foolish if they had. But coming over Blackfriar's Bridge that evening, a number of people had surrounded his (Mr. Hunt's) carriage, and had requested to be allowed to draw him, but he declined it. The police nevertheless interfered, and drove the people away with sticks. There never was a measure respecting which the people had been so grossly imposed upon as they were by the Reform Bill. It was not so much by Ministers as by their agents of the Press that the people had been so deceived. The Press endeavoured to make the people believe that they were to have everything they ought to have; and yet seven-eighths of the people were excluded from the elective franchise. He (Mr. Hunt) had all his life contended that every man in the community should have a share in the Representation. Nothing would, and nothing ought, to satisfy the people of England but householders' suffrage, and Triennial Parliaments. The line limiting the franchise to 10*l.* householders was most absurd and unjust.

Lord Ebrington said, he thanked the right hon. Gentleman, the member for Tamworth, for reminding him of an omission he had made, and that was the foreign policy of the present Government. He thought the gratitude of the country was due to them, and to the noble Lord especially at the head of the Foreign Department, for the skill, discretion, and ability with which he conducted a most arduous negotiation, and had brought the country safely through all difficulties, which had been aggravated, both in this and the other House of Parliament, by the party of the hon. Gentleman opposite. The Ministers wished to preserve the country from foreign war, and establish peace between two neighbouring countries. No one at the other side, except the hon. member for Preston, had attempted to say there was any re-action in public opinion; and if silence gave consent, their silence admitted this—[cries of "*No, no.*"] Hon. Gentlemen said no; but there had been proof given within the last twenty-four hours which must convince every reasonable man, that there was no alteration in public opinion upon Parliamentary Reform, or that, if there were alteration, it was in an

increased intensity of the public feeling in its favour. He trusted that opinion would continue to be manifested in a quiet and peaceable manner, and that would secure the consummation of the wishes of the people, in the only way in which they could be acceded to with safety to the Constitution.

The House divided on the Resolution:—  
Ayes 329; Noes 198—Majority 131.

*List of the AYES.*

ENGLAND.  
Adeane, Henry J.  
Althorp, Viscount  
Anson, Sir G.  
Astley, Sir J. D.  
Atherley, A.  
Baillie, James Evan  
Bainbridge, E. T.  
Barham, J.  
Baring, Sir T.  
Baring, F. T.  
Barnett, C. J.  
Bayntun, S. A.  
Benett, John  
Bentinck, Lord G.  
Berkeley, Captain  
Bernal, lt.  
Biddulph, R. M.  
Blake, Sir F.  
Blamire, W.  
Blount, E.  
Blunt, Sir R. C.  
Bouverie, Hon. D. P.  
Bouverie, Hon. P. P.  
Briscoe, J. I.  
Brougham, J.  
Brougham, W.  
Buller, J. W.  
Bulwer, H. L.  
Bulwer, E. L.  
Bunbury, Sir E. H.  
Burdett, Sir F.  
Byng, G.  
Byng, G. S.  
Byng, Sir J.  
Calcraft, G. H.  
Calley, Thomas  
Calvert, C.  
Calvert, N.  
Campbell, John  
Canning, Sir S.  
Carter, J. B.  
Cavendish, Lord  
Cavendish, H. F. C.  
Cavendish, C. C.  
Chaytor, W. R. C.  
Chichester, J. P. B.  
Clive, E. B.  
Coke, T. W.  
Cockerell, Sir C.  
Colborne, N. W. R.  
Cradock, Sheldon  
Crampton, P. C.  
Creevey, Thomas  
Currie, John  
Curteis, H. B.  
Denison, W. J.  
Denison, J. E.  
Denman, Sir T.  
Duncombe, T. S.  
Dundas, Sir R. L.  
Dundas, Hon. J. C.  
Dundas, Hon. T.  
Dundas, C.  
Easthope, J.  
Ebrington, Viscount  
Ellice, E.  
Ellis, W.  
Etwall, R.  
Evans, W.  
Evans, W. B.  
Evans, Col. de Lacy  
Fwart, W.  
Fazakerley, J. N.  
Fellowes, H. A. W.  
Fergusson, Sir R.  
Fitzroy, Lord J.  
Fitzroy, C. A.  
Foley, Hon. T. H.  
Foley, J. H. H.  
Folkes, Sir W. J. H.  
Fordwich, Viscount  
Foster, James  
Fox, Lieut.-Colonel  
Gisborne, T.  
Glynne, H.  
Godson, R.  
Graham, Sir J. R. G.  
Graham, Sir S.  
Grant, Rt. Hon. R.  
Greene, T. G.  
Grosvenor, Lord R.  
Guise, Sir E. B.  
Harcourt, G. G. V.  
Harvey, D. W.  
Hawkins, J. H.  
Heathcote, Sir G.  
Heron, Sir R.  
Heywood, B.  
Hobhouse, Sir J. C.  
Hodges, T. L.  
Hodgson, J.  
Horne, Sir W.  
Hoskins, K.  
Howard, P. H.  
Howard, Hon. W.

Howick, Lord  
Hudson, T.  
Hughes, W. H.  
Hughes, Colonel  
Hume, J.  
Ingilby, Sir W. A.  
James, W.  
Jerningham, Hon. H.  
Johnstone, Sir J. V.  
Kemp, T. R.  
King, E. B.  
Knight, R.  
Knight, H. G.  
Labouchere, H.  
Langston, J. H.  
Langton, W. Gore  
Lawley, F.  
Lee, J. L.  
Lefevre, C. S.  
Leigh, T. C.  
Lemon, Sir C.  
Lennard, T. B.  
Lennox, Lord A.  
Lennox, Lord J. G.  
Lennox, Lord W.  
Lester, B. L.  
Lumley, J. S.  
Lushington, Dr.  
Maberly, John  
Maberly, Colonel  
Macaulay, T. B.  
Macdonald, Sir J.  
Mackintosh, Sir J.  
Mangles, J.  
Marjoribanks, S.  
Marshall, W.  
Martin, J.  
Mayhew, W.  
Milbank, M.  
Mildmay, P. St. J.  
Mills, J.  
Moreton, Hon. H.  
Morpeth, Viscount  
Morrison, J.  
Mostyn, E. M. L.  
Newark, Lord  
Noel, Sir G. N.  
North, F.  
Norton, Hon. C. F.  
Nowell, A.  
Nugent, Lord  
Offley, F. C.  
Ord, W.  
Osborne, Lord F. G.  
Paget, Sir C.  
Paget, T.  
Palmer, C.  
Palmer, C. F.  
Palmerston, Viscount  
Payne, Sir P.  
Pelham, Hon. C. A.  
Pendarvis, E. W. W.  
Penlease, J. S.  
Penrhyn, E.  
Pepps, C. C.  
Petit, L. H.  
Petre, Hon. E.  
Philipps, Sir R. B.  
Phillipps, C. M.  
Phillips, G. R.  
Portman, E. B.  
Poyntz, W. S.  
Price, Sir R.  
Protheroe, E.  
Pryse, P.  
Ramsbottom, J.  
Rickford, W.  
Rider, T.  
Robarts, W. A.  
Robinson, Sir G.  
Robinson, G. H.  
Rooper, J. B.  
Rumbold, C. E.  
Russell, Lord J.  
Russell, C.  
Russell, Lord W.  
Russell, Sir R. G.  
Sanford, E. A.  
Scott, Sir E. D.  
Sebright, Sir J.  
Skipwith, Sir G.  
Slaney, R. A.  
Smith, J.  
Smith, J. A.  
Smith, V.  
Smith, G. R.  
Smith, M. T.  
Spencer, Hon. F. R.  
Stanhope, Captain  
Stanley, E. J.  
Stanley, Rt. Hon. E. G.  
Stephenson, H. F.  
Stewart, P. M.  
Strickland, G.  
Strutt, E.  
Stuart, Lord J.  
Surrey, Earl of  
Stuart, Lord D. C.  
Tavistock, Marquis  
Talbot, C. R. M.  
Tennyson, C.  
Thicknesse, R.  
Thompson, Ald.  
Thompson, P. B.  
Thomson, Rt. Hon. C.  
Throckmorton, R. G.  
Tomes, J.  
Torrens, Colonel  
Townshend, Lord C.  
Tynte, C. K. K.  
Tyrell, C.  
Uxbridge, Earl of  
Venables, Alderman  
Vere, J. J. H.  
Vernon, Hon. G. J.  
Vernon, Hon. G. H.  
Villiers, F.  
Villiers, T. H.  
Vincent, Sir F.  
Waithman, Alderman  
Walrond, B.  
Warburton, H.  
Warre, J. A.  
Wason, R.

Waterpark, Lord	Browne, D.	
Watson, Hon. R.	Brownlow, C.	
Webb, Colonel	Burke, Sir J.	
Wellesley, Hon. W. L.	Callaghan, D.	
Weyland, Major	Carew, R. S.	
Whitbread, W. H.	Chapman, M. L.	
Whitmore, W. W.	Chichester, Sir A.	
Wilbraham, G.	Clifford, Sir A.	
Wilde, T.	Copeland, Alderman	
Wilks, J.	Doyle, Sir J. M.	
Williams, W. A.	Fitzgibbon, Hon. R.	
Williams, J.	French, A.	
Williams, Sir J. H.	Grattan, J.	
Williamson, Sir H.	Grattan, H.	
Willoughby, Sir H.	Hill, Lord G. A.	
Winnington, Sir T. E.	Hill, Lord A.	
Wood, Ald.	Host, Sir J. W.	
Wood, J.	Howard, R.	
Wood, C.	Hutchinson, J. H.	
Wrightson, W. B.	Jephson, C.	
Wrottesley, Sir J.	King, Hon. R.	
SCOTLAND.		
Adam, C.	Killeen, Lord	
Agnew, Sir A.	Knox, Colonel	
Campbell, W. F.	Lamb, Hon. G.	
Ferguson, R.	Lambert, J. S.	
Fergusson, R. C.	Lambert, H.	
Gillon, W. D.	Leader, N. P.	
Grant, Right Hon. C.	Macnamara, W.	
Johnston, A.	Mullins, F. W.	
Johnston, J.	Musgrave, Sir R.	
Johnstone, J. J. H.	O'Connell, D.	
Kennedy, T.	O'Connell, M.	
Loch, J.	O'Connor, Don	
Mackenzie, J. A. S.	O'Ferrall, R. M.	
Macleod, R.	O'Grady, Hon. S.	
Ross, H.	Ossory, Earl of	
Sinclair, G.	Parnell, Sir H.	
Stuart, E.	Ponsonby, Hon. G.	
Stewart, Sir M. S.	Power, R.	
Traill, G.	Ruthven, E. S.	
IRELAND.		
Acheson, Lord	Russell, J.	
Belfast, Earl of	Sheil, R.	
Blackney, W.	Walker, C. A.	
Boyle, Lord	Westonra, Hon. H.	
Boyle, Hon. J.	White, H.	
Brabazon, Viscount	White, S.	
Bellew, Sir P.	Wyse, T.	
Browne, J.	TELLERS.	
	Littleton, E. J.	
	Rice, Hon. T. S.	

## HOUSE OF LORDS,

Tuesday, October 11, 1831.

**MINUTES.] Bills.** Read a third time; Cotton Factories; Customs' Management; Tithes' Composition.

**Petitions presented.** By Lord WHARNCLEFFE, from three persons of the names of Harrison, Hood, and Jones, complaining of Hardships experienced by them in consequence of the Game Laws, and praying for an alteration in them. By the Earl of ROSEN, from the Inhabitants of Coleraine (Ireland), praying for measures to relieve British Soldiers in Roman Catholic countries from the necessity of joining in Processions contrary to their conscience. By the Earl of CAMPERDOWN, from the Protestant Free-men of Galway, residing in Newtownsmith:—By the Marquis of WESTMEATH, from the Landowners and Freeholders of Clare:—By the Earl of CAERNARVON, from the Catholic Inhabitants of St. Nicholas, Galway:—By Lord

PLUNKETT, from the Protestant Free-men of Galway residing in Ballinacoley, for the extension of the Galway Franchise to Catholics. For Reform. By Lord NAPES, from Burnley, Staffordshire:—By the Earl of RADNES, from Mirfield, Yorkshire:—By the Marquis of Downshire, from Lye-in-the-Waste, in Worcestershire:—By Lord KING, from Wellington, in Somersetshire; and from Nunceaton, Warwick; by the LORD CHANCELLOR, from Bradford, in Yorkshire, signed by between 6,000 and 7,000 persons:—By Lord KING, from the Rate-payers of St. Pancras, in favour of the Select Vestries Bill; and by the Earl of DARTMOUTH, from the Vicar of the same place against it.

**PRESCRIPTION BILL.—TITHES.]** Lord King had two Petitions to present on a different subject from that of the Reform Bill. Both petitions were in favour of the Prescription Bill introduced by the Lord Chief Justice of the King's Bench, but which was likely to be strangled in this Session as it had been in the last. One of the petitions was from the owners and occupiers of lands to the extent of 5,000 acres in the county of Suffolk; the other from the owners and occupiers of land in Lakenheath, and they prayed that the Bill might speedily pass, as otherwise they would be continually harassed with suits for tithes, as they had recently been, after an exemption for centuries. The Suffolk petitioners stated, that the lands which they held had belonged to the priory of the Isle of Ely, and as such had been exempted from the payment of tithes; and that they had remained exempt for several centuries, till suits for tithes were recently commenced against them by the Dean and Chapter of Ely, who were lords of the manor, in which lawsuits the petitioners had expended 5,000*l.* The Dean and Chapter had lately granted a new lease to their own steward of the manor, and by the terms on which it was taken he was bound to prosecute these suits. The Dean and Chapter had also taken fines from them on the renewal of their leases, as if the land had been exempt from the payment of tithes, and had appointed a Vicar of the parish, who, as might be expected, was a non-resident and a pluralist. This disturbance of the ancient order of things, then, came from the clergy, who professed to be averse to all changes, and to be desirous that everything should remain unchanged, but who, when their own interests were concerned, became arch-disturbers of the peace.

Lord Ellenborough considered it his duty to call the attention of the House to an expression which the noble Lord had used with respect to the clergy. The noble Lord had said that they were the arch-disturbers

when their own interests were concerned, although under other circumstances they were adverse to all change. But the more he saw of the conduct of the clergy, the more he was convinced there was the grossest injustice in making such a charge against them. Even they themselves had lately come forward with measures of improvement and amendment. He knew the abilities and kindness and excellent disposition of his noble friend, but really these constant attacks on the clergy had a tendency to detract from the position which his noble friend ought to hold in that House, and very much disparaged him.

*Lord King:* If the noble Lord had waited to hear the petition read, he would admit that the charge I made was fully borne out by the facts of it, and that in all respects it was well founded. The petitioners complained that the property they held had been for centuries exempted from tithe, but that the Dean and Chapter of Ely had introduced a claim, and subjected them to great and unnecessary litigation. It was for that reason I said that the members of the Church, however unwilling they were to disturb settled institutions, or to agree to such a change as the late great measure would have effected, are very ready to disturb the settled order of things when it is their interest to do so. Such is the case in the district from whence the petition comes; and if the Bill of the noble and learned Lord does not pass this Session, and if the clergy persevere in their obnoxious claim; I believe they will not be able to resist the odium which in a short time will be raised generally against tithes.

Petitions to lie on the Table.

*Lord King* presented the Petition of the inhabitants of Knockbreda against the payment of tithes.

*Lord Suffield:* My Lords, I feel myself called on to make an apology to my noble friend at this side of the House for the remonstrances which, some time ago, I made to the course he was pursuing with respect to the Church, for his attack on it, and the observations with which he accompanied the presentation of some petitions on the subject of tithes. But I confess, my Lords, that the events of the last few days have produced a considerable effect on my mind, and I feel that the conduct of certain of the right reverend Prelates in this House, on a late occasion, has been such as to call for some observation; and, my Lords, I will at once avow, that that con-

duct has made, in my mind, a considerable alteration respecting them. I speak without any preparation, as I had no idea that any thing would occur to-day to draw the expression of my sentiments from me; but I feel it due to the House, and to that right reverend bench, at once to state, candidly and openly, my feelings. My Lords, I have always looked at the existence of that body in the House as liable to one objection—I always considered that the right reverend bench were at all times ready to throw their weight into the scale in favour of the existing Government. I saw them on all occasions acting along with the Government. I saw them ready and willing to support every Administration until now; but the late events have led me to remark what sort of a Government it is, that the right reverend bench of Prelates are willing to be attached to. So long as the government of the country was arbitrary and oppressive, so long do I find the right reverend Prelates giving it their support; but, as soon as a liberal Government produces a measure for the benefit of the people at large, and for the extension and security of the liberties of the country, so soon do I find the right reverend bench deserting that Administration, and throwing all its power into action against it.

*The Earl of Carnarvon:* My Lords, I rise to order; and I ask whether it is consistent with the order of our proceedings that a noble Lord should, on the presentation of a petition, be permitted to arraign the conduct of any noble Lord, or noble Lords, for the vote which he or they may have given on another occasion. There would be an end to all freedom of discussion and decision if this were to be allowed.

*The Lord Chancellor:* As it is my duty to preserve the order of your Lordships' proceedings as far as it is in my power, and as an appeal has been made to that order, which I feel myself called upon to decide, I must at once state, that, in my opinion, to refer to any speech made in a former debate is contrary to the order of the House; and I say further, that to impute a motive to the speeches, or to pass imputations on the conduct of any noble Lord, is contrary to all usage, and perfectly irregular; and neither here nor in the other House of Parliament is such disorder to be permitted or endured. But I must also be allowed to state, that I did not know that my noble friend adopted any such course, and certainly I did not

hear him arraign the conduct of any member or body of members of your Lordships' House. I only heard him state—and I may be permitted to say that I know him to be what my noble friend has always shown himself to be—a warm friend of the Establishment, none of your Lordships more so—I only heard him state what the conduct of the bench of right reverend Prelates had been on former occasions, and on a late one. That the conduct, either in this House or out of it, of any noble Peer shall be exempt from observations is a proposition which I am sure none of your Lordships will propound or sustain; and I am certain that the right reverend bench will be the last among the members of your House to wish to avail themselves of any such impunity, or to evade the discussion of the consequences of their conduct on a great occasion. The right reverend Prelates have acted with the greatest disinterestedness. Good God! my Lords, the idea of imputing self interest to the right reverend Prelates is impossible! Good God, my Lords, it is the last charge which I thought any one would have brought against them. They had a right to pursue the course they did. Who can deny it? They had a right to vote against the Government; and if they thought they had the opportunity of tripping up the Government, my Lords, they had a right to do so. It could not be imputed to them that they were actuated by selfish motives when they acted against the present Government, and attempted to trip it up, and probably thought that they had tripped it up.

Lord *Ellenborough*: My Lords, I submit to you that it is not customary for any Peer to introduce a speech of his own on the question of order, and to supplant the noble Lord who was in possession of the House.

Earl *Grey*: I don't know whether I may be permitted to say a few words; but if I am, my Lords, I must submit to your consideration, that whatever latitude we occasionally take in our debates, and however far that privilege has been stretched this evening, it is totally irregular to introduce into any discussion, for the purpose of debating them, the grounds on which any Member of this House has acted or voted. I should, therefore, think my noble friend has overstepped the orders of the House by the remarks which he has made on the tendency of the votes of some of your Lordships; but, whether his observations

are strictly in order or not, I put it to his good judgment whether the continuance of them can be attended with any advantage, and whether it can be of any service to the end that he has in view to introduce topics which cannot lead to any result.

Lord *Suffield*: My Lords, if I have been in the least out of order, I have much pleasure in submitting to the correction of my noble friends, and apologising for any unintentional violation of the rules of your Lordships' House that I may have been betrayed into. I did not come down to the House to-day prepared to say any thing on the subject which my noble friend has introduced; but I thought it right to take the opportunity which the presentation of a petition by him, relating to the Church, afforded me, to offer my excuses for having on former occasions remonstrated with him on account of the terms which he applied to the clergy of the Established Church. My Lords, in doing so, I did not mean to question the motives of the right reverend Prelates in the vote which they gave the other night; but I did allude to it, though I have no doubt their motives were most excellent, and I only stated that which is naturally a matter of fact. In that light only did I state that the votes of the right reverend Prelates were in favour of Government so long as it adopted severe measures against the people; and that they began to be opposed to Government only when a more liberal policy was avowed. So long as the existing Administration held the reigns of power with a tightened hand, so long was it assured of the support of the right reverend Prelates; but the moment the system was to be relaxed, and the people of England were to receive the full measure of freedom which they were entitled to by the Constitution, then, for the first time, were their votes recorded against the Government. This, my Lords, I meant to state as the fact, without imputing motives to any member of your Lordships' House. It only remains for me to apologise to the House for any breach of order that I have been unintentionally guilty of, and for the interruption that I have given to the course of your Lordships' proceedings; and I will sit down, assuring you that I did not mean to say any thing which could be considered as offensive to any member of the House.

The Bishop of *London*: I concur with the noble Earl at this side of the House, as

well as with the noble Earls at the other side, that the greatest inconvenience must attend discussions of this irregular nature; but I trust I may be allowed to say a few words in consequence of one expression which fell from the noble and learned Lord on the Woolsack; and I ask that indulgence because, owing to causes which I need not more particularly dwell upon, I had not the advantage of being present on the occasion to which this conversation refers. When the noble and learned Lord states that the Bench of Bishops were influenced in their votes on the Reform Bill by a desire to trip up the Government, I cannot remain silent; and I must declare, on behalf of my right reverend friends, that no such thought ever entered into their minds. During the brief conversation which I had with any of the members of that Bench, preparatory to the debate, I found no such intention expressed by one of them; and I am satisfied that, individually or collectively, they entertained no idea of hostilely opposing the present Administration. So far as the interests of the Church are concerned, my Lords, neither I, nor any of the right reverend Prelates, have reason to complain of the conduct of the existing Government; and, so far from having grounds of complaint on that head, a noble Lord himself has originated one great measure which was satisfactory to us all. My Lords, it cannot be for the interest of the Church that the present Administration should be dissolved, and I am quite sure that in all the history of the country, no votes will ever be found to have been given on purer principles than those which my right reverend friends felt it to be their duty to give on a late occasion. Whether that vote was one of wisdom or not is not for me to decide, but this I will say, my Lords, without fear of contradiction, that the votes of the right reverend Prelates were influenced by none but the purest motives, and by the high considerations which should ever influence that body.

The Bishop of *Landaff*: You will permit me, my Lords, to say, that it was my earnest desire to have acted as a noble Earl (the Earl of Haddington), who pronounced a splendid eulogium on Mr. Canning, said he should, on the late Debate, and to have voted, if possible, for the second reading, reserving to myself the right of not agreeing to all the clauses of the Bill in its further stages through

the House. I was anxious, my Lords, to have framed to myself any excuse which would have justified the giving my vote in favour of the second reading; but the more I considered the measure, the more objectionable did I find it to be, and I felt that it was necessary to mark my sense of the mischief which must ensue from it, if passed into a law, by opposing it in that particular stage. I have done my duty; I feel that I have performed it strictly in accordance with the dictates of my conscience, and, having done so, I care little for what may be said by the noble Lords; and their censures pass me as idle words, or as the echo of those sounds with which we are assailed in our way to the House.

The Bishop of *Exeter* said, he was wholly astonished at the remarks which had been made on the motives of the reverend Bench, from the highest quarters. Noble Lords assumed the right to censure the body of Bishops for the vote they had recently given. This censure came from those, too, who, from their office and station, were bound to sustain the institutions of the country. He defied any noble Lord to state a single instance in the history of the country when any Members of that House had been so vilified and insulted as the Bishops had been within the last week, by a person of the highest station in the realm. They had been accused of voting against the Reform Bill because it was the measure of a liberal Administration. Was this charge an instance of liberality; and did the members of his Majesty's Government by these remarks intend to incite and encourage violence? He did not apologize for his warmth; for he should be ashamed of himself if he could be cool upon such a subject. Had the attack upon the Bench of Bishops been made at a moment of excitement, to that excitement he would have submitted; but upon the mere presentation of a petition, and that a petition of no consequence, one noble Lord had abused the Church as the great arch-disturber of all order, and another noble Lord had charged the Bishops with being bound together in a conspiracy against the liberties of the country, and against all that could constitute the welfare and happiness of the people. These were the notions that were propagated everywhere against the Bench of Bishops, and noble Lords had, moreover, spoken against them in that House, in a tone of sarcasm, if not of

direct and positive censure, as a body actuated by self-interest, at variance with the public good. Under these circumstances he had thought it his duty to address their Lordships.

Earl Grey said, he should be guilty of injustice to himself and other noble Lords, if he permitted this most unprovoked attack to pass without notice. What the right reverend Prelate had uttered was the most intemperate, and the most unfounded insinuation that he had ever heard from any Member of that House. Whether the right reverend Prelate had meant him personally or not he knew not, but whomever he might mean, he could never suffer such an insinuation to pass unnoticed, or without reprobation. The right reverend Prelate had said, that every man who had spoken from that side of the House had spoken in a tone of sarcasm or reprobation of the recent conduct of the Bishops. He (Earl Grey) asked if such an observation were true, and if it could with truth be applied to the very few words which had fallen from him. He appealed to every noble Lord, whether there was anything in what he had said at all like what the right reverend Prelate had attributed to him. Did he not reprobate the discussion altogether—did he not state it as his opinion that the discussion was altogether inconsistent with the orders of the House—and had he not done all he could to stop it? On what ground, then, would he ask, could the right reverend Prelate make an attack so intemperate, and so utterly without any pretext or foundation? He asked the right reverend Prelate whether it had ever been his (Earl Grey's) custom to say anything whatever offensive to the Church, or anything that was not in support of it? But, said the right reverend Prelate, he had heard from a person holding the highest situation of Government, frequent attempts to degrade, insult, and villify the Church. Whether the right reverend Prelate alluded to him or his noble friend on the Woolsack he knew not, but of this he was perfectly sure, that against neither could the observation or statement be made with any justice or with any truth. The right reverend Prelate was not content with this want of truth, but he had uttered it with all the appearance of a spirit that but little became the garment that he wore. It was the grossest injustice he had ever heard. But the right reverend Prelate had even gone much further. He

had said, that those who ought to be charged with the care of the public peace, and were bound to support the institutions of the country, had actually been the instigators of a mob to insult the Bench of Bishops. He could not conceal the contempt, the indignation, with which he heard the charge. He dared the right reverend Prelate to state, if he could, one single syllable of truth to support the falsest and most calumnious accusation which ever had been heard. If any man could be capable of such conduct, no reproof could be sufficiently severe. He rejected the charge as one totally unfounded in truth, and as having no one colour of foundation. He denied that he had ever done anything but what he was obliged to do in the discharge of his duty in that House—nay, so far from encouraging proceedings such as the right reverend Prelate had described, he was one of the very first that would exert the full power of Government to protect those whose votes were hostile to him. He called upon the right reverend Prelate to state his proofs. He had shown for the Bench all the respect he had sincerely felt; but he now repelled, with scorn and indignation, the aspersions which the right reverend Prelate had endeavoured to cast upon his character, and he called upon him to support what he said by proofs.

The Bishop of Exeter, being called upon to produce proofs of what he had asserted, was not unwilling to admit that, although he had charged the excitement which existed against the Bench of Bishops throughout the country to the language which had been held in that House, he had not meant to bring any charge against the noble Earl. He would now, however, proceed to prove the truth of what he had asserted. Irregular as it might be to refer to the Debate that had recently taken place, yet, under the peculiar circumstances of his case, he hoped for the indulgence of their Lordships in being allowed to refer to the proceedings in question. It must be within the recollection of every noble Lord who heard him, that in the first night of the Debate upon the Bill, the noble Earl, in stating the case to the House, without any one thing to excite him from the Bench of Bishops, had thought himself justified in calling upon the Bench seriously to take to mind what would be their condition in their country, if there were to be found a

narrow majority of lay Lords against the Bill, and if it were to be discovered that the Bishops had voted with that narrow majority. The noble Earl had put this in a way to show that he expected that the Bench would be induced by the fear of odium to vote with Ministers. To call upon any set of men—to call upon one of the great States of the realm, as they were termed by the sages of the law, and by the law itself—to call upon them by way of a menace of popular indignation, had the tendency—a tendency which the noble Earl, perhaps, little suspected—of exciting the odium of the people. Had not that odium been excited, and was not the Bench of Bishops exposed to its effects? The noble Earl had assumed the character of a prophet, and had told the Bishops “to set their houses in order.” It was true that the noble Earl did not conclude the sentence. He left that for themselves to do, but it was impossible not to know that he referred to where the prophet had threatened destruction. The noble Earl, in the same speech, had taken special care to remind the Bench of Bishops that certain important questions were in agitation, which might take the turn that would prove favourable or unfavourable, according to the conduct of the Bench on that night. What were these questions? Where were they in agitation, but in the councils of which the noble Lord was at the head—he hoped so, at least, for he hoped that the noble Earl did not delegate his superiority to inferior minds. If the noble Earl meant that schemes of confiscation were contemplated—if the noble Earl meant that the bold among the multitude would be encouraged, and that the multitude would be goaded on to more immediate execution—then he (the Bishop of Exeter) could, indeed, conceive that the conduct of the Bishops that night might have the effect of driving the multitude to such purposes. Had he said anything but what the proofs he had adduced fully substantiated? The language of the noble Earl had an evident tendency to implicate the Prelates with the people, and to make them be regarded by the people throughout all the country as their foes. The people already pretty well echoed the noble Earl's suggestions, for they read the Debates, and the same language was repeated by the Journals. The Bishops were threatened to be driven from their stations because they did not vote for Mi-

nisters—because for once they had thus voted upon the greatest question agitated since the Revolution, when the Bishops had acted in defiance of the Crown. Where would their Lordships have been, where would the country have been, but for the Bishops at the Revolution? The present was the first occasion upon which the Bench of Bishops had opposed the present Ministers, and yet for opposing them this once they were charged with deserving all the mischief with which they had been threatened.

Earl Grey wished to ask the right reverend Prelate, why he had not made the serious charges he now brought forward, when the words he imputed to him were fresh in the recollection of the House, and when he could have made those charges in a regular manner. For his part, he thought that the right reverend Prelate's proofs corresponded very little with his assertions. The right reverend Prelate charged his Majesty's Ministers with having purposely done all in their power to encourage tumult and excite the mob to acts of popular violence.

The Bishop of Exeter: Most solemnly do I declare that I do not think I have used any such words. Upon my honour and conscience I did not use those words. I am quite sure that I never accused his Majesty's Government of exciting the people to outrage.

Earl Grey: The right reverend Prelate in his anger was not likely to recollect what words he did use. He certainly understood that the right reverend Prelate had most positively charged him, or charged the Ministers, with having encouraged and excited the people to acts of violence. He could not misunderstand the words which had been used. The right reverend Prelate had attacked him for having used a tone of warning to the Bench against the consequence of their votes. He at the very time had disclaimed all intention to intimidate or menace, but he had certainly submitted to them, what might be the consequence of the rejection of a measure, in favour of which the public feelings were so strongly excited throughout every part of the empire. He had never meant that the Bench should surrender their right of voting according to their judgment; all he had meant was, that they should look calmly upon the consequences which might follow from their opposing the Bill. He had intro-



duced this in terms of respect, and at the same time he professed himself, what he really was, and ever had been, a zealous friend of the Church. He had said, that he had perceived that the right reverend Prelates did appreciate the signs of the times, and had introduced Reforms which had met with his support, and he called upon them to consider whether, in opposing public opinion, in the present case, they might not incur great and serious danger. The right reverend Prelate had uttered a foul and calumnious aspersion, totally unfounded in truth, nor had he in the least benefitted himself by the explanations he had entered into. The right reverend Prelate charged the Government with encouraging acts of violence against himself and his brethren, and for that charge there was not the smallest foundation.

The Duke of *Wellington*: My Lords, the question before the House arises on a petition which was presented by a noble Baron, in which a charge is made against the Dean and Chapter of the Diocese of Ely, but the noble Lord who presented it, indulges so much in a habit of joking, that nothing very serious was apprehended from his charge. Well, then, a noble Lord on the same side comes forward and makes a charge against the right reverend bench, and tells you that the right reverend Prelates have been in the habit of giving their support to the Governments that conducted themselves on arbitrary principles, but that they now refused to vote for an Administration which was the first to introduce very liberal measures. My Lords, I should be glad to know what the noble Lord means by Governments conducted on arbitrary principles. I desire to know on what act he founds that assertion, so far as the Government which immediately preceded the present is concerned. The charge is made on the incidental discussion attending the presentation of a petition; and I do not suppose that the noble Baron can think of seriously repeating it. My Lords, in defence of the bench of Bishops I must say that, for ten months, there has not been a single case of a division occurring where the right reverend Prelates had it in their power to show whether they gave their support to the present Government or not. There was only one division in which I voted, and that was with regard to the postponement of the Bankruptcy Bill for a few days; and yet the right

reverend Prelates are accused of having refused to give the present Government their support because, in one instance, they have thought proper to judge for themselves. If the Bench of Bishops refused to give their support to his Majesty's Government on that occasion, I can only suppose that they felt they could not do so consistently with a sense of their duty, and of the obligations which they owed to the country to support its institutions. The right reverend bench were entitled to the same indulgence which any one of their Lordships claimed in his own person, and I think that nothing can be more unfair than to bring such unfounded charges against it.

The Duke of *Newcastle* said, that the noble Lord at the head of his Majesty's Government had said, that Government had afforded no encouragement to the mobs in the violence and outrages which had been committed by them. He did not accuse his Majesty's Government of having done any such thing. But as attacks had been made on the lives and properties of noble Lords on that side of the House, and as he (the Duke of Newcastle) had been himself yesterday made the subject of one of those attacks, on his return from his attendance in that House, he begged to know from his Majesty's Secretary of State for the Home Department, whether the King's Ministers had taken any measures for the purpose of affording that protection to the lives and properties of noble Lords on that side of the House, which they had a right to expect and to receive from a regularly constituted Government. He would just state to the House the circumstances of the attack which had been made upon him yesterday on his return from his attendance in that House, and the reasons which he had for complaining with regard to the impossibility which he experienced in obtaining assistance from the Home Office. On his return home yesterday evening, he found his house surrounded by a numerous and violent mob. After some consideration he thought the best course to adopt under such circumstances was, to go down to the Home Office to seek for protection for his person and property. This occurred, he supposed, shortly after seven o'clock. He could not be precise to the minute, as unfortunately he had not his watch about him, for, amongst other accidents, his pocket had been picked of it; but he saw

a clock in his way, and he recollected that the time was a little past seven o'clock. When he arrived at the Home Office there was nobody there to give him any information, there was no person with whom he could communicate, and he begged to know whether it was usual for the official persons whose duty it was to attend there, to go away from thence at such an early hour, especially in times of such difficulty and danger as the present? If such was the usual practice in that office, he would not say a word more on that point. He must be permitted, however, to observe, that on an occasion like that of yesterday, when such attacks as had been made by the mob on himself, and on other Peers sitting on that side of the House, might have been expected, some persons ought to have been in attendance at the Home Office to receive their complaints, and to afford them protection. He thought that such persons ought to be found in attendance at the Home Office, and it was under that impression that he went there to seek for their assistance. But he found no such person there, and he was consequently obliged to have recourse to a person connected with the police, who, he must say, gave him every assistance. The fact was, that if such outrageous proceedings as those to which he was alluding were not prevented and put down, they would have no government in this country but the government of a mob. If the Government did not put down such proceedings, and if the mob were allowed to go on with the attacks which they were making on noble Lords on that side of the House, both in their progress to, and on their return from the House, on account of the conscientious discharge of their duty, he would repeat, that mob government would be, in fact, the order of the day, and the regular Government of the country would stand the chance of being accused of neglecting its duty through the fear of the mob. Before he sat down he would entreat his Majesty's Ministers to guard against the doings of the mob which was announced for to-morrow. He would caution them to prevent such large collections of the people, under existing circumstances, as were announced for that occasion. If they did not do so, tumult, and riot, and disorder, might be the result; and attacks might be renewed on the lives and properties of those noble Lords who had given a conscientious vote against the Reform

Bill. It was not so much on account of the attacks which had been made personally upon himself or upon his property, that he drew the attention of the noble Lord opposite to this subject; it was on account of his anxiety for the general good of the country, and for the preservation of the public peace.

The Marquis of Londonderry said, that he had also some circumstances to state illustrative of the system of outrage carried on against noble Lords on that side of the House, to which he wished to call the attention of the Secretary for the Home Department. He should not have done so on account of any personal attacks that had been made upon himself, but as the noble Duke who had just sat down had mentioned the attacks which had been made on his person and property, he (the Marquis of Londonderry) would state to their Lordships what had occurred to him in his coming down to and returning from the House yesterday. On his coming down to the House he was assailed by a large mob, and he was also in his return from the discharge of his duties in that House, again attacked by a furious mob. He would not say that all arrangements for the prevention of such outrageous proceedings had been neglected by Government, but it did so happen on this occasion, that there was not a single policeman stationed in Parliament-street, where an immense and riotous mob was assembled, though there was a considerable police force in the immediate neighbourhood of the House. He was proceeding home from the House in his cabriolet, when this mob in Parliament-street attacked him. They seized his cabriolet, endeavoured to drag him out of it, and one big strong fellow hit him a violent blow with a stick on his arm. If the mob had succeeded in pulling him out of his cabriolet; he was quite sure they would have murdered him; but, fortunately for him, the individual who was with him in the cabriolet drove the horse forward, and he thus escaped from the mob. He did not state the circumstances of this attack upon his life through fear or alarm. Knowing, as he did, that we can all die but once, and that when our time arrives we must go, he was not accessible to personal intimidation. But he, and the other Peers in that House who were made the objects of such attacks on the part of an outrageous mob, had a right to demand protection from his

Majesty's Government. His Majesty's Ministers should have remembered that such attacks might be made, and should have been prepared to provide their Lordships with due protection both for their persons and properties. He (the Marquis of Londonderry) had not only been personally attacked and his life put in danger, but a large mob had also attacked his house, and if the windows of his house had been mended since the former attack which was made upon it, they would have been all broken. As it was, such as had been mended were all broken last night by the mob. He thought that under such circumstances he had a right to call for the protection of his Majesty's Government. The Government were bound to protect the lives and properties of all his Majesty's subjects, which included, of course, the noble Lords on both sides of that House, and to see that none of them should be made the victims of popular fury. The Peers of Parliament should be defended against the assaults of a violent mob, in their progress to and from that House. They were entitled to that protection while discharging the important duties which devolved upon them. He must say, that if such proceedings on the part of the mob were allowed to go on, and if such attacks were to be permitted upon the persons as well as the properties of the Members of that House, he, for one, was determined to carry arms about with him for his protection, and he would now declare, that if any man should attack him again in the way that he was attacked last night, he would use the arms which he would carry with him in his vindication and self-defence. If any man should strike him as the fellow did last night, he would use those arms in his defence. Again he would call on his Majesty's Government to take proper precautions against such outrageous proceedings on the part of the mob—again he would urge on them the necessity of taking such steps as were necessary under existing circumstances to afford protection to the Members of that House in the discharge of their public duties.

Viscount Melbourne begged to assure the noble Marquis and the noble Duke opposite, that the first desire of his Majesty's Government in general, and of himself in particular, as it was his especial duty, was to afford every possible protection both to the persons and properties of all

his Majesty's subjects. He deeply lamented the state of excitement in this town at present: he deeply regretted the agitation which prevailed in it, and he deeply and sincerely lamented that any noble Lord, or any individual, should have been exposed to acts of outrage and violence. He could assure the noble Lords who had complained of such acts of outrage, and he could assure the House, that no individual could be more anxious than he was to use every effort in his power, and to direct all the energy and force of the law towards repressing every species of violence and outrage. When, however, he was told that means of defence should have been provided against the attacks which might have been expected upon the houses of noble Lords on the opposite side of the House, he begged their Lordships to bear this in mind, that when a violent agitation prevailed, when great crowds of people were collected together in different parts of the town, and when the rabble were led to commit those acts of outrage, some of which had been unfortunately committed on this occasion—when such a state of things existed, it was impossible for the Secretary for the Home Department, and for the Magistrates, with any force that was in their possession, or that they could bring together, to guard every house in town that might be supposed liable to be attacked. He exceedingly regretted that the house of the noble Duke opposite should have been attacked in the manner he had stated. The noble Duke stated, that on his applying at the Home Office, he could find no person there to give him assistance, or information as to where he could procure it. He must beg, therefore, to state in his own vindication, that every arrangement had been made by the persons connected with the Home Office which it was in their power to make, for the preservation of the peace of the town last evening, and if the noble Duke had applied either to the police-office in his neighbourhood in Marylebone-street, or to the police-office in Scotland-yard, instead of going to the Home Office, he would have found that assistance which he required. When the noble Duke did apply to the police, as he had stated, that assistance was afforded to him, as the report made to him that morning stated, promptly and efficiently. Again he would say, that the outrages on property were deeply to be lamented and deprecated,

and the outrages upon the persons of individuals were still more to be deplored and deprecated. He was exceedingly sorry to hear that the noble Marquis opposite (Londonderry) had been attacked in the violent manner that he had stated. It was much to be regretted, sincerely and exceedingly to be deprecated, and this observation applied to the case of other Peers as well as to that of the noble Marquis, that any particular course which they might have felt it necessary to pursue on any public question should expose them to popular displeasure. He need not repeat that he regretted it much. He need not say, that he deprecated and condemned in the strongest manner the display of any thing like violence towards them. Every thing that depended on his Majesty's Government would be done to preserve the public peace. But the noble Marquis must see, that the Government, take what steps it might, could not prevent many things that had occurred, as the result of popular excitement in the metropolis; but he repeated that it was the firm determination of Government to use all means at its disposal to prevent the violation of the public peace.

The Marquis of Londonderry said, that he fully concurred in every thing that had fallen from the noble Viscount. He was quite sure that the subject would engage the noble Lord's best attention, and that he would use all the means in his power for the protection of the persons and property of the noble Lords in that House, in common with the rest of the King's subjects. He would, however, beg to suggest to the noble Lord the propriety of having a police force stationed along Parliament-street and Whitehall, as well as in Palace-yard, in order to afford safe and free access to that House. Such a course was absolutely necessary, as the crowds were generally collected in greatest force beyond the line where the police were stationed.

Lord Wharnccliffe said, he was ready to bear his testimony to the zeal and activity of the noble Secretary for the Home Department, in the steps he had taken to preserve the public tranquillity. He did believe that every possible means had been taken in that respect, and for guarding the persons and property of the Members of that House. Certainly, considering the excitement that prevailed, as one of the consequences of the vote to which

they had come the other day, he was ready to say, that it was a consequence for which he was well prepared, and which he fully expected at the time when he had given his vote. He did not think that the inhabitants of the metropolis had done any thing to disgrace themselves. He was happy to see such prudence exhibited by them. Notwithstanding the means that were tried to create excitement among the people, he was satisfied, and felt a confident hope, that they would treat their Lordships with respect, and would believe that their Lordships, in coming to the decision to which they had come, had no intention of injuring their liberties, but rather, that in the vote to which the people might think, perhaps, they had wrongly come, had taken that course which to them appeared the best for the protection and preservation of the rights and liberties of the people. He must say, in justice to the inhabitants of this town, that they had not committed any thing in the way of disturbance of public order, beyond what he had reason to expect, or even so much.

Lord Ellenborough said, that no public excitement prevailed on this subject in the metropolis, that had not been mainly and entirely occasioned by the public Press, and if his Majesty's Ministers did not take steps to coerce that Press, but allowed it to pursue its present criminal course with perfect impunity, there was no calculating what mischief might happen. He gave the noble Viscount credit for what he had stated, and he had no doubt that his Majesty's Ministers would do what they could to preserve the public peace—what was expected from them both as Ministers and as gentlemen and men of honour.

Subject dropped.

SELECT VESTRIES BILL.] Viscount Melbourne moved the second reading of the Select Vestries Bill.

The Duke of Wellington asked what was the object of the Bill?

Viscount Melbourne said, that it went to establish several new, and he, considered, necessary, regulations with respect to the powers of vestries in general, and select vestries in particular, with respect to which great excitement at present prevailed in the metropolis, and in several of the large towns throughout the kingdom. It appeared that the common-law right of all

rate-payers to vote at vestries was found to be extremely inconvenient in large and populous parishes, and in order to facilitate the proceedings of vestries, it was found necessary, in many cases, to have the business of the parish confided to select bodies. This, however, was, in its turn, found to lead to some abuses, and to very general dissatisfaction. It was complained of from all quarters, and its inconvenience was admitted even by many of the members of those select bodies, that it was a system which required alteration. The object of the present Bill was, to make those amendments which were considered necessary in the system. He would now move, that the Bill should be read a second time, and be referred to a Committee up-stairs. One of its chief objects was, to introduce a system of general election from the whole body of rate-payers, under certain regulations. As the measure was one the necessity of which seemed to be admitted by all parties, he supposed there would be no objection to its being now read a second time.

Lord *Shelmersdale* said, he would not object to the second reading, on the understanding that it was to be referred to a Select Committee, as he considered the Bill would require considerable amendment before it could be passed into a law.

The Duke of *Wellington* thought, that that clause in the Bill which left it optional with a parish to avail itself of it or not, would not have the effect of allaying the excitement which at present existed on this subject: he feared it would have the contrary effect to what was intended, and was, therefore, particularly objectionable. He admitted that the system in many of the parishes in the metropolis required amendment, but why not confine the Bill to the metropolis, or why not apply Mr. Sturges Bourne's Act to the metropolitan parishes, as a remedy for the evils complained of?

Lord *King* said, that much greater excitement would be caused if this Bill was thrown out, than could possibly arise from the operation of any clause in it, such as that alluded to by the noble Duke. It being admitted on all hands that the existing system required revision and amendment, whatever they did for that purpose should, in order to effect the objects which they had in view, be done as speedily as possible.

The Bishop of *London*, speaking from what he knew of the system of select

vestries in several parishes in this metropolis, feared that some such measure as this was absolutely necessary for their better regulation and amendment. He was of opinion that the government of parishes should be placed as much as possible upon the same footing as the general Government of the country—that was to say, that the people should have the election of their parochial, as they had of their Parliamentary Representatives, who had to deal with their money. It might be necessary, however, to introduce some modifications of the Bill, both as regarded, parishes in London and in the country, and for that purpose, as well as for coming to a true understanding of the nature of it, it was necessary to refer it to a Committee up-stairs.

Bill read a second time, and Committee appointed.

SCOTCH APPEALS.] The Lord Chancellor moved the Order of the Day for the second reading of the Scotch Court of Session Bill, for the purpose of postponing it to Thursday.

Lord *Wynford* could not let that opportunity pass without asserting that he was ready to maintain the correctness of the judgment he had pronounced in this case, and which his noble and learned friend had last night impugned. The Bill assumed that he directed the issue to be tried by a Jury of merchants, but he did no such thing.

The Lord Chancellor was sorry that his noble and learned friend felt so much annoyed on this subject, or that he should at all imagine that his professional character was affected by it. He had yet to learn that a knowledge of the Scotch law or practice formed any portion of the education of an English lawyer. On the contrary, he believed that the better lawyer an English advocate was, the less he was likely to know of the practice of Scotch law, and the more probable it was, that he should fall into the mistake that special Juries, so familiar to the mind of an English practitioner, should be also found in a country so civilized as Scotland. He was anxious to postpone this Bill to Thursday, in order to have the advantage of the presence of his noble and learned predecessor, in whose time this judgment had been pronounced, and who was fully acquainted with all the circumstances of the case, which he himself was not. He:

did not imagine that any doubt existed as to the propriety of passing this Bill; but after what had fallen from his noble and learned friend, he should make particular inquiries concerning it.

Lord *Wynford* said, he held in his hand the judgment which he had pronounced, and it contained no such words as, "Special Jury of Merchants." The words in it were "Special Jury."

Lord *Ellenborough* suggested, that the proper course would be, to refer the matter to a Committee of privileges. It appeared to him that if an error had been committed, their Lordships could correct it without an Act of Parliament, and that it was not expedient to involve the House of Commons in an act to correct an error in their own judicial proceedings. At present there was no foundation for such a bill in the shape of a petition from the parties in the cause; and, even if the proceeding were a right one, it should not be done hastily, and without a due observance of the rules and orders of the House.

The Lord *Chancellor* said, this was not a Bill for the purpose of altering a judgment of the House, but for the purpose of placing a cause in a state fit for a rehearing. There would be abundance of time for discussing the subject on Thursday.

Lord *Wynford* said, that as a lawyer and as a layman, he had no doubt as to the correctness of the judgment he had given. This cause related to a partnership, and, to the disgrace of the judicature of the country, it had been before the Courts since the period of the American war. The Scotch Judges, instead of sending a question of a matter of fact, which the case involved, to a Jury, sent it to an accountant for decision. He (Lord *Wynford*), seeing that it was a cause that ought to be tried by a Jury, ordered it to be sent to one, and the parties to be examined, and he was, in point of law, justified in sending it to a Special Jury in Scotland, as, by a late Act of Parliament, Juries had been introduced into that country for the trial of important civil causes. He had to complain that the Judges in Scotland, and the parties interested in this matter, had not corresponded with him on the subject, and that they had withheld all their light from the very individual who would now have to defend the judgment. In pursuance of the practice of the Courts of Equity in England in similar cases, he had ordered that the parties should be examined on

oath, and it was now said, that this could not be, as the original parties to the suit had long since died; but that fact did not vitiate or annul the judgment; for if their Lordships decided in a case to-day, that the parties should be examined on oath, and those parties should die to-morrow, that fact would not annul the judgment. Even supposing the judgment in this particular case wrong, there was no occasion for an Act of Parliament to correct the error. He should be sorry to think it necessary to apply to the House of Commons to correct a clerical error in one of their Lordships' judicial decisions, and to suppose that they did not possess a power vested in the lowest Courts in the kingdom, of correcting errors in their own decisions.

The Lord *Chancellor* said, it would be inconvenient to proceed with this discussion now in the absence of the noble and learned Lord (Lyndhurst) with whom the Judges in Scotland had corresponded on the subject, who was fully acquainted with it, and who had no doubt that there was a mistake. He begged to assure his noble and learned friend (Lord *Wynford*) that there was nothing more common in Scotch practice than to refer to an accountant the decision of disputed matters of fact.

The second reading fixed for Thursday.

## HOUSE OF COMMONS,

*Tuesday, October 11, 1831.*

MINUTES.] Bills. Read a first time; Lunatics; Baking Trade (Ireland); to amend 59th George 3rd, for the Relief and Employment of the Poor; and also to repeal the provisions of several Acts relating to Grand Jury Presentments (Ireland.) Read a third time; the Consolidated Fund Appropriation; Special Constables; Valuation of Land (Ireland); Military Accounts (Ireland).

Returns ordered. On the Motion of Mr. *SPRING RICE*, the number of Half-pay Officers of the Army employed in any Civil Office paid by Government, specifying the name of the Officer, his military rank, annual amount of Half-pay received, Annual Amount of Half-pay forfeited, Salary or Fees of Civil Office; description of Office, and where situated, &c.; also, specifying, how many Officers are on Half-pay at rates below 5*s.* a-day, and of these how many receive Civil Salaries under 150*l.*, 200*l.*, and 250*l.*, a-year, together with their Half-pay; how many are on Half-pay at rates below 7*s.* a-day, receiving, with their Half-pay, Civil Salaries; and how many at rates above 7*s.*; also, the number of Half-pay Officers in the year 1831, who are in receipt of Civil Salaries exceeding twice the amount of their Half-pay, and who now receive their Half-pay, together with the Civil Salary, under the Clause of the Appropriation Act of 1820, stating the amount of Half-pay received; also, the increased charge of Half-pay which was actually incurred, in the year 1821, over and above the charge in the preceding year, in consequence of the clause, in the Appropriation Act of 1820, allowing Half-pay Officers, under certain restrictions, to receive their Half-pay with Civil Salaries; also the actual saving of Expense for one year to the public, from July, 1828, when the Approp-

prization Clause of 1820, relating to Military Half-pay, was cancelled; also, what would have been the increased Expense to the public, for one year, from July, 1830, to July, 1831, if the Appropriation Clause of 1820 had been restored in 1830; also, Copy of a Treasury Minute of 1810; stating the necessity of authorizing, in certain cases, the issue of Allowances to Half-pay Officers equal to their Half-pay, to induce them to accept such Civil Offices; similar Returns to be furnished for Half-pay Officers of the Navy and Marines, as far as the same may apply to the Officers of those services.

The usual Sessional Addresses preparatory to closing the Parliament were agreed to.

Petitions presented. By Sir ROBERT FERGUSON, from the Merchants of Londonderry, concerned in the Linen Trade, praying for the re-enactment of such parts of 6th George 4th, cap. 122, as relate to the import and inspection of Flaxseed. By Mr. M'KINNON, from Inhabitants of Marylbone and Paddington, for a Bill to include the Bill in the provisions of Mr. MARTIN'S ACT. By Mr. BOLTON KING, from the Warwick Political Society, for the Repeal of the duties on Newspapers and Cheap Publications, and another Petition from the same Society for the abolition of Slavery. By Mr. RAMSAY, from the Maltsters and Farmers of the County of Stirling, against the Repeal of the Malt drawback. By Mr. HUNT, from the Inhabitants of Birmingham, for a remission of the Sentence on Robert Taylor.

GENERAL REGISTRY BILL.] Mr. Ewart presented a Petition from the Corporation of Liverpool, against the General Registry Bill. The petitioners feared the Bill would greatly tend to increase litigation, and cause much inconvenience to persons desirous to transfer landed property.

Mr. John Campbell said, that undoubtedly the petition was entitled to consideration, but the petitioners were wholly mistaken in supposing the Bill would increase litigation. One of its great objects was, if persons would but observe ordinary caution, entirely to prevent litigation. Under the existing system, it was impossible for any person, even acting under the most skilful advice, to secure himself from litigation. When a Register Office was established, a purchaser, by inspecting the index, could obtain quite as much information relating to any property as the seller himself possessed.

Sir Edward Sugden maintained, that many of the provisions of the Bill were of a very injurious tendency—a fact which he would be prepared to shew whenever the measure came to be discussed. He believed that the evils would more than counterbalance the benefits.

Mr. Crampton did not think the hon. and learned Gentleman would be able to substantiate his objections to the Bill.

Mr. Hunt was of opinion that the Bill would occasion great inconveniences. There was no difficulty in making titles by the present system. He had bought and sold several estates, and had no cause to complain.

Mr. O'Connell observed, that there was no civilized country in the world but England that was not in possession of some such institution. He therefore regretted that the hon. and learned member for St. Mawes had brought the weight of his authority against it, in a summary manner, without assigning his reasons. He was convinced that the adoption of the Bill would be a great public benefit.

Sir Edward Sugden claimed credit to himself for the purity of the motives by which he was actuated in opposing the measure. He did not dare, however, to consent to any change in our legal system which he thought erroneous, although he had a sincere desire to correct what could be proved to be wrong. He was as little in love with the abuses of our legal institutions as the hon. and learned Gentleman, and would endeavour to show that he was quite as competent to form an opinion of the merits of any scheme to remedy them. He knew something of the system of registration which existed in Ireland, from having had many Appeal cases to argue, and he believed that it caused a great deal of mischief.

Mr. John Campbell was convinced, that the objections which had been raised against the Registration Bill were wholly owing to ignorance and artful misrepresentation. He would, at the commencement of the next Session, bring forward a Bill (it was then too late to persist in it for the present Session), and he hoped, in the meantime, that a better understanding of its provisions would remove at least the misimpressions of ignorance.

Mr. Daniel W. Harvey conceived the object of the Bill to be most desirable, but was not then prepared to say whether the present Bill was calculated to attain it.

Sir Edward Sugden said, the hon. and learned Member had said the Bill was opposed by misrepresentation. He hoped he was not liable to any such imputation.

Mr. John Campbell said, he by no means intended to allude to his hon. and learned friend, but it was true, the Bill had been opposed by the grossest misrepresentation. It had been said, the Bill was to have a retrospective effect, that title-deeds were to be locked up in a mausoleum, and that London Attorneys must be consulted in every transaction relating to landed property. These were all gross errors, but the opposition to the Bill was founded upon such delusions.

Petition to be printed.

CONFIDENCE IN MINISTERS.] Mr. Crampton presented a Petition from Galway, praying for the extension of the franchise of that town to the Catholic inhabitants.

Mr. George Robinson said, he availed himself of that opportunity, when petitions were presented relating to an alteration of the franchise, to declare, that though he had voted with the majority of last night, he was most anxious to have it understood that his vote of confidence in the present Government was grounded entirely on the support which they had given to the Reform Bill. There were many points on which he differed from the present Ministry, and on which he must still continue to differ from them; but no man who supported them on all points would go along with them more heartily than he would in supporting the Reform Bill.

Mr. Blackney: Sir, I feel anxious to be identified with my countrymen in an expression of confidence in the integrity of his Majesty's Ministers, and of gratitude for their great measure of Reform, carried so triumphantly through this House, on the final success of which mainly depend the security of our institutions, and the tranquillity of our country. Sir, although I wish to view the unhappy decision in another place in the most favourable light, yet I cannot divest myself of the impression of there being on the part of those who composed that majority, much of selfish and mercenary feelings. I shall briefly state why I consider the measure of Reform universally popular in Ireland:—Hitherto, as a Magistrate, I have witnessed scenes of oppression, which bound me in sympathy with the more humble, but not less virtuous class of my unfortunate countrymen. Their sufferings, their privations, were truly afflicting—their patience, their submission, although in a manner unbecoming the national character, were yet, under existing circumstances, beyond all praise. Was this an order of things to be endured for ever? Then did his Majesty's Ministers call for the Reform with the sanction of a patriot King. Virtuous men have, in the eleventh hour, wisely and boldly determined to save the country—they took their stand under happy auspices; they depended upon the people, and they have not been deceived. Theirs will be the triumph of virtue and of jus-

tice over monopoly and corruption, and the hearts of a grateful nation will be their shield against the taunts and calumnies of an interested Opposition. Carlow, the county which I have the honour to represent, long subject to every species of oppression, did, on the first gleam of liberty, forcibly exhibit in the cause of Reform an enthusiasm which nothing can subdue; for ten days previous to the late election, all country business ceased—a bold, good-humoured mien, so characteristic of Irishmen, was conspicuous. Their motto “The King, the Bill, and the People.” The game was quickly up. 30,000 people assembled on the first day of the election, free from the slightest tendency to riot or outrage, and had the poll proceeded, we should have had, on the following day, double that number of patriots to witness the triumph of the Reformers. Sir, this is not a statement of public feeling highly coloured, nor is it confined to Carlow; a similar feeling prevails in Kilkenny and Wexford; with these counties I am connected, and as I hold in them his Majesty's Commission of the Peace, am well acquainted with the character of the people, and I am bold to say, that there, as in the adjoining counties of Kildare, the Queen's County, and Tipperary, the spirit is now such, that the constituency would not support any candidate, whatever may be his other qualifications, unless he professed himself a decided Reformer. This being the general feeling in Ireland at this fearful crisis, I conjure his Majesty's Government and this House to conciliate that country, if they value the connexion. Its people wait with breathless anxiety the result of this all-important measure; in its details do them justice, and you ensure their invaluable attachment; treat them after the old fashion, and your tenure is not of value for one year's purchase. A faction in that country has long kept an unseemly position, which, as they cannot much longer maintain, so have they become desperate, and would, in the indulgence of their unhappy prejudices, goad the people to acts of outrage, then take fiend-like advantage of the chaos, even at the risk of being involved themselves in the general ruin. The Reform question has aroused the nation; it should be advanced with decision and confidence. His Majesty's Ministers have nothing to fear; the people of England are all with them, and if they but will it,



and treat the empire with common justice, then, indeed, the enemies to freedom may prudently retire. I regret, Sir, to have trespassed so far upon the patience of the House; I feel sensible of its indulgence. Once more I entreat you to be firm and consistent.

Sir *Richard Vyvyan* was surprised that his hon. friend (Mr. George Robinson) had deemed it necessary to justify his vote. Last night every body knew he could have no reason to support the Ministers, except to promote the Reform Bill—a reason, by the way, for which he was disposed to oppose them.

Petition to be printed.

**DRAWBACK ON SOAP.]** Mr. *Callaghan* presented a Petition from the Soap-makers of the city of Cork, praying that the drawback on soap exported from this country to Ireland may be repealed. He was most desirous to direct the attention of Government to the subject, and he now gave notice, that he should, next Session, move the repeal of this drawback, if it should not previously be considered.

Sir *John Newport* said, the soap sent from England was sold considerably under the price the Irish manufacturers could afford to make it at. In his opinion, not a day should be lost in repealing the drawback.

Mr. *Callaghan* said, he was very desirous to draw the attention of the House to one material allegation of the petition. He found it therein stated, that in 1824, no trade in soap was carried on between the two countries, but in 1829, the quantity imported into Ireland from England, was 1,500 tons, and in 1830, 2,900 tons; being a larger quantity than was required for the whole consumption of Ireland; the natural inference from which was, that the soap was merely sent across the channel, and then smuggled back into England. The drawback, therefore, operated most injuriously in two ways—it annihilated the Irish manufacture, and decreased the public revenue. He understood there was scarcely a packet came from Ireland to England but what had a venture in smuggled soap.

Petition to be printed.

**CONDUCT OF THE POLICE—CASE OF JACOB WINTLE.]** Mr. *Hunt* presented a Petition from Jacob Wintle, stating that he had been cruelly beaten by the

bludgeons of the police last night, as he was crossing Westminster-bridge, at the same time with a number of individuals who were accompanying him (Mr. *Hunt*) from the Rotunda to the House. Jacob Wintle had nothing to do with those persons, and yet he had been beaten on each side of his head with the loaded bludgeons of the police, and so deluged with his own blood, that he could not identify the persons who struck him. He came, in consequence, to the House for redress. The hon. Member complained of the blood-thirsty conduct of the police on this occasion, to which, he said, that he had himself been an eye-witness.

Mr. *Lamb* protested against the presentation of a petition which could do no good, and might do harm, when no attempt had yet been made to inquire into the case of the petitioner before the ordinary tribunals. He could assure the hon. Member that there was no intention to screen the police when they used improper violence; at the same time, he must contend, that at all times, and under all circumstances, the police must be upheld by the Magistracy and the executive government. With regard to the mob in question, he had only to say, that its progress was very properly stopped on Westminster-bridge last night. The police had, with great difficulty, cleared the streets before the House; and just as that was done, at eleven o'clock at night, information reached them that a mob of 1,000 persons were coming from the Rotunda to the House with the hon. member for Preston. The police, therefore, warned the mob that they could not proceed further. The mob persisted in their intention to advance. The police determined to prevent them; resistance was made to their efforts, and in the struggle, it appeared that this petitioner, Jacob Wintle, was beaten by the police. The petitioner might be an innocent person; and if he was, then Gentlemen should consider how they collected mobs, as the innocent, by their presence, were often an assistance and protection to the ill-doers. He would do nothing to screen the police, and should be most happy to have a full inquiry instituted into this transaction before the ordinary tribunals.

Sir *Robert Inglis* entirely agreed with the hon. Member, that the House was not the tribunal before which cases of common assault ought to be brought. He

must bear testimony to the general good conduct of the police; which was a sufficient reason why the House should not listen to such trivial complaints. He did not wish to oppose the reception of the petition, and hoped the hon. Member would withdraw it.

Colonel *Trench* bore testimony to the firmness, good conduct, and resolution of the police in the transactions of Westminster-bridge, which he accidentally witnessed. He was glad that the hon. Under Secretary thought it injudicious to collect great crowds. He recollected a procession to the King which was justified by hon. Gentlemen opposite, and which was neither legal nor judicious. He had heard that a similar procession was to take place on Wednesday next, and he hoped that the observations which the hon. Gentleman had just now made, would tend to discourage the repetition of a procession which, though it now only shouted and lauded the King, might hereafter turn to other and more dangerous purposes.

Sir *Robert Peel* said, that there was no act in his official life of which he was more proud, than of the institution of the Police Force. He hoped, however, that the House would not encourage the presentation of such trumpety petitions, as the remarks which they elicited from hon. Members, would have a tendency to prevent that Force from performing its duty in that able and resolute manner which the public tranquillity required.

Sir *George Warrender* said, the services of the police were, upon all occasions where he had witnessed their conduct, most exemplary and praiseworthy, and he had great pleasure in thanking the right hon. Baronet who had spoken last, for having established that force.

Mr. *Hume* asked the right hon. Baronet, whether he intended to propose the institution of any inquiry as to the comparative expense of the old and new system of police.

Sir *Robert Peel* thought, that the subject referred to by the hon. member for Middlesex was a very fit subject for inquiry. He should have no objection to have a Committee to overhaul, and thoroughly examine every species of expense connected with the establishment.

Mr. *Wilks* said, he very much approved of a Committee being appointed, but he thought the system would be improved, if there could be some sort of co-operation

and superintendence on the part of the parishes.

Mr. *Maberly* could not permit this opportunity to pass without expressing in the strongest manner his objection to these discussions. That House was not the tribunal for every petty question of riot and assault; if there were no other tribunal that could render justice to the parties, it would be well enough to bring the question here; but he must say, that while there were other tribunals to decide such questions, it was an actual waste of time for the House to discuss them. The House ought to put down such practices. He agreed with the right hon. Baronet, that this petition ought not to be received. He was a friend to the popular right of petitioning, but this was an abuse of that right. He must take this opportunity, too, of adverting to an unfair practice of the hon. member for Preston, in attempting again to speak after the reply of a Gentleman who had introduced notice of a Motion. The hon. member for Preston had a right to do so; but it was a rule of courtesy observed by all other Members of that House not to enforce that right; and that rule of courtesy had been observed by all the Members, until the hon. member for Preston came into it.

Mr. *Hunt* did not know that that was the rule; and he did not recollect one instance in which he had done what the hon. Member complained of.

The petition laid on the Table.

THE LABOURING POOR.] Mr. *Sadler* rose to submit to the House his Motion for bettering the condition of the Labouring Poor, and began by observing upon the great importance of the subject, and the necessity of treating it in detail. He therefore, though very reluctantly, felt himself obliged to divide the subject; and, deferring to another occasion, and the first that might occur, the consideration of a measure in behalf of the manufacturing poor, he should then principally address himself to the state of the agricultural poor, with a view to ameliorating their condition. He disclaimed, in taking up these subjects, any pretension to superior benevolence, and in stating the reasons which had induced him to address himself, of late, principally to such matters, he must express a hope that the House would do justice to his motives in so acting. The subject, he maintained, was of paramount importance, however, com-

pared and considered. Paley had asserted it to be the first duty of the Legislature to take care of the poor; and a benevolent writer of a former century had emphatically declared, that, were a whole Session so employed, it would be spent more to the honour of God and the good of society than on any other subjects in which the noblest patriots could engage. "If this," continued the hon. Member, "were true in former times, and under ordinary circumstances, how stands the case at the present period? What is now the condition of your poor; and in the first place of your agricultural poor? It is a condition, the consideration of which you cannot evade if you would, and ought not if you could. Let those fears which have been but recently allayed, if, indeed, they can yet have subsided, teach us in time an impressive lesson. It would be a gross and fallacious libel upon the character of the industrious peasantry of England, heretofore the most contented and meritorious class of society among us, if the insubordination which has been but recently, if yet fully subdued, and which exhibited them at once reckless of crime and fearless of its punishment, has not a cause answerable in its character to the calamitous consequences it has occasioned. To doubt this, would be to give way to a grosser infatuation than any to which they have unhappily yielded. Let me illustrate this by one of the most striking and appalling incidents latterly recorded in our history. At a previous and hardly more alarming period than we have just witnessed, a similar spirit broke out among another important class of our countrymen—I allude to the time when the Navy of England became mutinous. How did you act at that most trying moment? You put down, indeed, and with a strong hand, the alarming insubordination. But that done, you entered upon that which was equally your duty, and one which you ought previously to have discharged, when it would have spared the country the fear and shame with which it was then overwhelmed. You inquired into the wrongs of the British tars; you found them to be numerous and insupportable, and you redressed them. The rest need not be told. You performed your duty, and they did theirs—how nobly, can never be forgotten: they went forth and wreathed the brow of their country with fresh and unfading laurels; they won those triumphs which had never previously been equalled, and

which will never be surpassed while England shall continue to have a name or a place among the nations. Sir, the agricultural peasantry are now prostrated: this then is the time to listen to their just complaints; this is the moment to redress their grievances; and it is a duty which sound policy, as well as humanity, will not allow to be postponed. Delay will render the attempt more difficult, and at last hopeless. No subject, I will venture to affirm, however important in itself or momentous in its results, is at all comparable in its urgency or magnitude to this—the serious and timely consideration of the deplorable condition, with a view to its permanent amelioration, of the millions of our labouring, but suffering and degraded poor. What, Sir, is that condition? I have spoken, I think, of the difficulties of my present attempt, and I feel them most sensibly; but, alas, the making out my case, that of the sufferings and degradation of our labouring poor, is not one of those difficulties. Many other classes of society have, it may be hoped, advanced in the general career of human happiness and prosperity: this class, however, has visibly and lamentably retrograded; till at length few of those who compose it have anything left to surrender, anything further to fear. We live, Sir, in a period of great changes; but none of them, whether completed or in progress, and which still agitate society around us, at all equal in anything but name, the revolution which has taken place in the state and condition of our agricultural poor in many parts of the country, and which has hardly 'left a wreck behind' of all their former prosperity and happiness. Long placed in an enviable situation compared with those of any other country, from them our moralists drew their proofs of the equal dispensations of human happiness—our poets, their loveliest pictures of simple and unalloyed pleasures—our patriots, their best hopes as to the future destinies of the country; while their humble abodes, the cottages of England, surrounded by the triumphs of their industry, were as distinguished by their beauty as were their inmates for their cheerfulness and contentment. Hope still brightened this humble, but happy condition, and the prospect of advancement in life was then ever open to the peasant's persevering industry, and the means were within his reach. I need not trace this progress step by step; the path of prosperity was open to him, or to those dearer to him than himself, his children,

whom his exulting heart often beheld advancing to the very summits of society, to which they added dignity, the dignity of virtue and merit. Yes, Sir, I need not remind the House how many of those who have rendered immortal honour to their country—how many of your greatest merchants—how many laurelled and mitred heads, have sprung from the cottage? Such, then, was the situation of this class; what is it at present? The “bold peasantry of England, their country’s pride,” are, generally speaking, now extinct. An ignorant and selfish system of spurious political economy, dictating first to the mercantile, and then to the agricultural interest, had at length triumphed, and these are its consequences. I shall attend to some of its dicta hereafter; meantime, let me now contrast the present condition to which the agricultural poor have been reduced, with that which I have described as enjoyed by them till its heartless dogmas prevailed. The system of demolition and monopoly, which has, in the emphatic language of the inspired volume, “laid house to house, and field to field, that they may stand alone in the earth,” has left no place for the poor, none for the little cultivator; none for the peasant’s cow; no, not enough, in one case in ten, for a garden. The best of the cottages have been demolished—“spurned indignant from the green,” as the loveliest of the poets of poverty, Goldsmith, sings. The lonely and naked hut into which they are now thrust, for which is exacted an exorbitant rent, is destitute, both without and within, of all that formerly distinguished their humble abodes, is often unfit to stable even quadrupeds, and frequently so crowded by different families, as to set not comfort merely, but decency at defiance, and render morality itself an impossible virtue. Thither, then, the unhappy parent, when employed, carries his wages, which, with the exception of a few short weeks in the year, are utterly inadequate to supply the necessities of a craving family. Wages did I say? Parish pay! He is, perhaps, sold by auction, as is the case in certain parishes, where he is actually reduced to the condition of a slave, or driven to the workhouse, where he is often treated worse than a felon. Labour meant to degrade and insult him is often prescribed to him; or, wholly unemployed, he sits brooding over his miserable fate; winter labour, whether for himself or his wife and children,

having been long since taken away. Perpetually insulted by false and heartless accusations for being a pauper, when his accusers have compelled him to become such; for being idle, when his work has been taken from him; for improvidence, when he can hardly exist—he feels these insults barbed by past recollections which fasten in his heart—which utter hopelessness withers within him. The very sympathies of his nature become reversed: those who would once have constituted his comforts and pleasures, his ragged and half-starved offspring, who cannot stray a pace from his hovel without becoming trespassers and being severely treated as such, they, with their wretched mother, increase his misery. He escapes, perhaps, from the scene of his distress, and attempts to lose the recollection of it and of himself, in dissolute and dangerous courses. Meantime, had some peculiar calamity, some inscrutable visitation of Providence reduced him to this condition, perhaps he might have sustained it with composure of spirit. But he knows otherwise. He can trace his sufferings and degradation to their true source. He knows they have been inflicted upon him, and he feels what would be their cure, and can calculate how little it would cost others to make him and his supremely happy. Meantime, the authors of his sufferings are those that insult him with demanding that he should be quiet and grateful, that he should be contented and cheerful under them! “They that have wasted him, require mirth!” Not only are the falsest accusations levelled at him, but even the feelings common to nature are imputed to him as an offence; his Marriage was a crime; his children are so many living nuisances; he himself is pronounced a redundancy; and after having been despoiled of every advantage he once possessed, he is kindly recommended as his best, and indeed only course to transport himself for life, for the good of his oppressors, and to die unpitied and unknown in some distant wilderness. And this, Sir, is the condition at the present moment of thousands—of tens of thousands—of the labouring poor. Sir, I am neither following my imagination nor my feelings in this description—I am embodying facts. The picture I have hastily drawn is not the work of fancy, nor is it exaggerated for the occasion: its darkest features are those which have been already presented to this House and the country by reports published by Committees of

Parliament, appointed to examine into and report upon the very condition in question. To some of these I shall speedily refer. In those public documents, Sir, are fully portrayed the degradation and destitution of the labouring poor in many parts of England, and the oppression and extortion under which they labour. And, Sir, have not recent events given their unequivocal and tremendous testimony to the truth of these statements? It is quite unnecessary for me to add my humble testimony to the truth of these representations; but having recently gone through several of the districts referred to, and often personally inspected the condition in question, I can safely answer for their truth. Imagination may depict, my language cannot, the scenes of distress accompanied by mingled despondency and irritation, which I have witnessed. Nor let it be concluded that this is the situation of the idle and profligate only, which too many are quite ready to call every unfortunate being who may happen to become poor and burthensome. No, Sir. It is one of the most dreadful characteristics of the present system, wherever it prevails, that the entire class are constantly confounded, and the whole of it doomed to one undistinguishable mass of misery. Finally, Sir, I must add, and I do so with unfeigned reluctance, but it is necessary to speak the real truth in order to rouse us to a sense of our duty, and quicken us in the discharge of it—this state of things is remediable—remediable by Parliament, which cannot, I fear, be held altogether guiltless of having permitted, if not produced it. Individually, I acquit them, and freely confess that in their personal and local sphere, the Aristocracy and landed proprietors of England are among the most attentive and benevolent individuals of the community; and that none are more anxious to prevent or to relieve the sufferings of the poor under their immediate notice and protection. But it is to those parts of the country, and they comprehend a vast proportion of its surface, which are far removed from their notice to which I particularly advert, where a false and pernicious system of management is suffered to prevail, and where the poor are consequently under the domination of a set of English middlemen, who often act as fully up to that character, and are as deserving of the name, as those of Ireland; and where a

system of cruelty, oppression and extortion prevails, which has at length placed the labourers in different parts on the utmost limits of endurance, and in many instances pushed them beyond it. Meantime, the evil is rapidly spreading, and must be remedied, or we are undone. When, therefore, we contemplate the multitudes of our agricultural poor who are already plunged into the state I have been describing, and know that the rest are rapidly sinking into it—when we have been made to understand so fully, by recent and fearful experience, that it is a condition that cannot and will not be much longer endured—I think policy, as well as humanity, will urge us to attempt a remedy for the ills of this important part of the people; and may not I add to these motives, those of justice and gratitude? When we recollect that it is this class that affords us our daily bread, and spreads our boards with the plenty we enjoy, can we remain any longer insensible to their privations and sufferings, and consent to muzzle the mouth of the ox that treadeth out the corn, and see it abused and goaded in its labours to deeds of desperation and destruction? But let us now inquire what are the causes which have produced this lamentable state of things; and it is the more necessary to ascertain these, as I am fully persuaded that the false views which have unhappily prevailed regarding them, have dictated the policy which has produced the evils we have been contemplating, and will, if not rectified, withstand the application of their only remedies. In this inquiry I shall confine myself as much as possible to those authentic and official documents, which have been put forth by the authority of this House on these important topics. Sir, I hold in my hand the report of the Select Committee on labourers' wages—a document to which it is necessary that I should more particularly allude, as it pronounces upon the subject on which I am treating, with the express sanction and authority of this House. It is a document indeed of a most singular character, embodying evidence of a very important description, yet drawing from it, as it appears to me, deductions wholly irreconcilable with its general tenor. Premising that the miserable and degraded condition of the poor is fully set forth in this report, I will proceed to consider, as shortly as possible, the conclusions at which it arrived,

and which it presented to this House and the public; and it is the more necessary to examine them, as they have long been held as incontrovertible, and are repeated as such in pamphlets, and reviews, and speeches, whenever the subjects of the English labouring poor and their distresses force themselves upon the attention of our writers and speakers upon political economy. And, first, this report attributes a great part of the evil it points out, to the mal-administration of the Poor laws. This is the inexhaustible source of declamation with those who vainly hope to cripple or destroy the national charity in this country, or to prevent its extension to the other divisions of the British empire, both of which attempts will prove equally unavailing. I am not about to contend, that the institution is perfect, or that its administration is in all cases faultless; but I will maintain, that both one and the other are more free from all just imputation than any other establishment in the country. The misapplications of the national charity are not attributable to the law; they are rather the result of a conspiracy among the wealthier classes where such evils occur to evade it; and even where its benevolent code is so wrested as to oppress and degrade while it relieves, still, even in such cases, it still stands between the proud oppressor and the prostrate poor, and shields the latter from still greater miseries than they endure—from Irish starvation! But, Sir, the official record before me, which, as I before mentioned, fully recognizes the miserable condition of the poor, assigning for it as a reason the supposed malversation of the Poor-laws, goes on to state, as the consequence, 'that thereby a surplus population is encouraged—men know they have only 'to marry.' Aware, Sir, that these notions are not only generally, but almost universally prevalent; that they are taken as so many truisms and repeated as such; that they embody the notions of the political economists on this subject, who however widely they may differ, and however warmly they may disagree, are, nevertheless, on this topic, unanimous; and being perfectly aware that any general attempt to better the condition of the agricultural poor, if these positions were true, would not only be entirely fruitless, but even pernicious in its ultimate consequences, it is necessary, before I proceed, to examine these confident assertions; and I pledge

myself to this House to overthrow the whole of them, and exhibit them, as they in reality are, a set of the most egregious errors that ever darkened the understanding, or deadened the heart of man. I shall do this, not by reasoning, but by arithmetic—by matters of fact; not by the selection of certain instances to serve my purpose, but by taking those selected by the Committee, doubtless, with a view of advancing its own. It is asserted, then, in this report, that the counties of Northumberland, Cumberland, and Lincoln, are nearly, if not totally, exempt from the malversation of the Poor-laws, which produce, according to its authority, these numerous marriages, and this increase of surplus population. The counties, on the other hand, where that malversation is stated to be most general, and where, consequently, the plague of marriage and population most prevails are particularised. They are these—Suffolk, Sussex, Bedfordshire, Buckinghamshire, Dorsetshire, and Wiltshire. Now, Sir, there were, during the ten years preceding the date of the last census, celebrated in the counties of Northumberland, Cumberland, and Lincoln, 45,288 marriages, the arithmetical mean of the population being in that term 606,600, or rather more than one annual wedding to every 133 of the inhabitants. But in the six counties in which we are to look for this great excess of marriages, there were, during the same term, on a mean population of 1,046,350 souls, 76,949 marriages, or one annual marriage in 136 only. But this comparison, though it decides the dispute, does not give the real truth in its just proportions; the practice of so many marriages in the border counties of Northumberland and Cumberland being celebrated across the boundaries—a fact which Mr. Rickman has mentioned in those censuses (which are, in every point of view, an honour to the country as well as to his great industry and talents), as greatly diminishing the registered proportion of such marriages. To arrive, therefore, at a more just comparison, let us take, for instance, the county of Lincoln, which is stated to be free from the evils in question, and that of Dorset, which is particularised as one of those in which they are the most prevalent and oppressive, each of which, on the authority of an intelligent and humane witness, who had resided in both, deserves to be thus selected. Well, Sir, the marriages in Lin-

colnshire, computed as before, had for the preceding ten years been rather more than one in 128, while in Dorset the proportion was not as much as one in 144; so utterly groundless then, so entirely opposed to facts, are the allegations of this report. But, Sir, I will place the matter in another and yet stronger light, by presenting facts, still authentic and official, of such a character that defy all contradiction or evasion, and which will dispose at once and for ever of the stale and senseless accusations against the poor of these counties, where they are at once grievously oppressed and cruelly misrepresented. The report in question says, that the misery it describes, is 'in great part to be attributed to the maladministration of the Poor-laws during the latter years of the late war.' Let us examine the exact facts in this case also. Taking then the whole period of its duration, namely, that from 1803 to 1813, including and dividing it into two equal parts, of five years each, giving half the intermediate year 1808 to each, we shall find that the number of the marriages in Suffolk, Sussex, Bedfordshire, Buckinghamshire, Dorsetshire, and Wiltshire, was 39,315 in the former half, while in the latter it amounted to 37,417 only. But the number of the marriages in the three counties which the Committee pronounce to be free from these malversations, advanced during the same period, from 22,081 to 23,227. If we take a still wider range in this examination, we shall find the results are precisely similar. Taking the average of the first two years of the late war (in order to avoid the casual fluctuations which might affect single ones), viz., those of 1803 and 1804, we find that the weddings amounted to 7836. I have already stated how much the marriages fell off in the latter period, in fact, in 1812 and 1813, the average number was 6774 only. And here I cannot refrain from pausing, to put a very important question. I ask, whether the malversation in the Poor-laws, and the consequent misery of the poor labourers, so strongly depicted in this report, namely, their living chiefly upon bread, or even potatoes, scarcely ever tasting meat or beer, or being able to buy milk, is a state justly attributed to the condition of agriculture during the same period—whether the profits of that pursuit, and the price of all its produce during the latter part of

the last war would not have enabled the great cultivators, the farmers, to have afforded direct and sufficient wages to their poor labourers, without degrading them as paupers, and partly starving them into the bargain? Shall I mention the average price of grain during this term. I need not. Let, however, this striking fact suggest to us this important conclusion, that no returning state of prosperity as regards the agricultural interests, will ever restore comfort and independence to the poor labourer, except this House comes in to his defence, and defeats a combination arrayed against him, compared with which he is utterly powerless. But when we extend the inquiry by a reference to the forthcoming census (which I have already diligently examined for this purpose), to the years immediately preceding the date of this report, those of 1822 and 1821, the average number of marriages in these two years will be found to be 7,767; consequently still less than it had been nearly twenty years before; and that of the terminating years of 1829 and 1830 will exhibit, I think, the same average as compared with the first—still almost precisely stationary, though they ought to have advanced to upwards of 10,000, without showing any relative increase; the population of these counties (exclusive of Brighton, throughout the whole calculation) during these twenty-eight years, having increased upwards of thirty per cent. So entirely opposed to truth, therefore, are the assumptions of our economists regarding the habits and condition of our labouring poor, and so utterly, therefore, do they err as to the only means of remedying their distresses. But not to dwell further upon these pernicious mistakes, I will now proceed to prove, and from the pages of the very report which has given its authority to so injurious an error, that, notwithstanding the discouragements to which labour has been subjected in this country, our rural population is not, even yet, redundant; and, in doing so, I will confine myself to the simple facts published in this report, and those will abundantly suffice to negative the conclusion at which the Committee unhappily arrived. We find it there stated that, even as early as April, all the healthy labourers are employed; that April is a very busy time; and that from thence to the termination of the harvest the demand for labour increases, need not be mentioned; so much

so, indeed, that on turning to the agricultural surveys, I find that in the counties where so much is said of the redundancy of labourers, even the hay harvest could not be got in by the resident population without foreign assistance. But to come to the main question, and to determine it on the authority of the witness whom the Committee very properly place at the head of their list of witnesses, as having more minute and practical knowledge regarding what is called the market of labour, especially in the rural districts, than almost any other individual that could have been selected—I mean Mr. M'Adam. To the first question put to him he replies, that he has had very considerable experience in hiring labour in the country. The second query is this—'Have you found in general that it is very easy to obtain labourers?' The answer: 'Generally speaking I have, excepting during the harvest months; we then find a great scarcity of workmen.' And yet, Sir, the Committee talk about the redundancy of agricultural labourers! Nor is this all. The agricultural labourers are not only not redundant; they are too few! Were it not for a large accession of workmen at the period of the harvest, much of the product of the land would never be secured. In addition to the influx of hands from towns and manufacturing districts, an immense assistance is also demanded annually from Ireland, or the harvests of England could neither be reaped nor gathered in. I need not, I presume, bring proofs of this fact, otherwise they could be easily obtained. I have myself consulted some of the managers of our great steam-boat companies, and I find from them, that there annually leave Ireland for the harvest fields of Great Britain, a number which I cannot calculate at less than the entire male adult population employed as agricultural workmen in some five or six of our English counties, though they are dispersed, it is true, through the whole of our corn districts. And if your fields could not be reaped, I need not say they would never be sown. It is, therefore, idle, worse than idle, for political economists, whether in this House or out of it, to rant about the redundancy of labour. It is not merely abhorrent to humanity, to reason as they do, it is an insult to truth, and an outrage upon common sense. Does such an infatuated feeling prevail in any other case

whatever? Does the sportsman deem his horses and his dogs redundant in the summer months—the General call his soldiers superfluous while in their winter quarters? In the very commonest concerns of life is any such delusion witnessed? But when we come to talk of our labourers, the political economist determines whether they are in excess or otherwise, not by the demand for them in the season of the year when they are essentially necessary, but in that in which he imagines he can dispense with them altogether—a method of computation which would make out a case against them as clearly as at present, were the population of the country reduced to a tenth of its present number. Nothing then can be more absurd and unjust than the present method of computing the alleged surplus of agricultural labourers. Under the best possible system, their labour will be less pressingly demanded in the winter than in the spring and harvest months. Nor is it, when duly considered, one of the least strikingly benevolent ordinations in nature, that the hardest and most essential operations of husbandry have to be performed in the finest periods of the year when the days are the most protracted and the weather the most temperate. Hence at all times, in every country, and under whatever system of cultivation, the ancient maxim will be found applicable, *hyems ignava colono*. In the natural order of things other industrious occupations have been reserved for this comparatively inactive and severe season, and have occupied it; of these, however, the industrious cottagers of England have been, in great measure, bereft, by causes over which they have had no control; and this circumstance, Sir, is it, that, among many others, has occasioned much of the distress under which they labour, and has furnished the apology for these perpetual declamations as to their redundancy. Still, however, as we cannot, in conformity with the new theory, annihilate them when we do not want their labour, because we cannot revive and multiply them when we do; and as nature has not indulged us with a human genus that can hybernate, or one which, after having secured the fruits of their industry, we can safely destroy when we have obtained its honey, as we once did their prototype, the bee; if, in short, we cannot gather in the kindly fruits of the earth, nor in due time



enjoy them, without our full agricultural force, then, Sir, notwithstanding all a selfish and stolid theory may repeat, the labourer whom our present system has deprived of all his comforts, and degraded so deeply in his character and feelings, is, at the very season we have doomed him to idleness and want, and would bid him if we could, to be gone, as necessary to us as our daily bread. Let us, then, proceed to develop the real causes of this afflicting, and I, may indeed say, alarming state of things, with a view to their ultimate removal. On entering upon this important branch of the subject I shall again once for all, assert that it is to the deserving and industrious poor—those who always did, and ever would, most eagerly avail themselves of all those advantages which such once possessed, and of which they are now totally deprived that I exclusively refer. And let those who object to this classification, and wish to found an apology for the indiscriminate neglect and injury of the entire class, by confounding the character of the whole, point out in what respect the most meritorious of them have been favoured, and in what manner it is possible to benefit them under the present system; a system which dooms the whole to a state of indiscriminate suffering and degradation, because, as it assumes, some of them have deserved it. In tracing, then, the causes which have led to the present degradation of the labourers in husbandry, I must, however it may startle the prejudices of some, commence with the large farming system. Reason, it might have been supposed, would have dictated another course—that, as the population of the country increased, the number of farmers should have augmented, or, as old Hobbes said, that ‘they should live closer and cultivate better.’ Political economy, falsely so called, advised however directly to the contrary; and, appealing as it ever does to human selfishness, prevailed. But in this, however, as in most other cases, its principles have been falsified by experience, and its prophecies have totally failed. The land has become less productive in large divisions, as it ever does; less capital has been applied to it, for labour is capital. A less surplus produce has been obtained for the public; for this is determined by the fact that a smaller rent is received by the landlord, and that less punctually and certainly; and, after all, the expense of

keeping up a few additional farm-houses has been far more than counterbalanced by the great addition to the poor-rates, which the farmer has taken care should at length fall upon the landlord. On this highly important and interesting topic I had collected a considerable mass of statistical proofs; but I cannot now presume even to enumerate them. I will, however, state, that the experience of every agricultural country is clear and full upon this point. In Flanders the size of the farms has been, consequently, long limited by law, but, as one of its most intelligent writers observes, the experience of the superiority of the minuter system has had the effect of still further curtailing their size and multiplying their number. In Italy, where the state of cultivation is presented in such wide extremes, an able practical agriculturist of our own country comes to this conclusion, that ‘every state in the Peninsula is productive or otherwise, in proportion to the number of farmers on a given space of land of equal quality.’ In France such also is precisely the fact, as I can confidently assert, having most accurately examined the *Cadastre* for that purpose. This fact is beginning also to be seen in England, and will be demonstrated more clearly every day, even by pecuniary considerations alone. I am not arguing that farms here should be limited by law, or that they should all be reduced to one, and that a small extent; far otherwise. What I would contend for is the superiority of that moderate and mixed system of husbandry, which leaves the deserving peasantry of the country the opportunities and hopes of ultimate advancement; and this I believe to be far the most profitable state: that it is the happier one, as regards the great bulk of the people, not a doubt can exist. Hence Paley classes among his deeds of benevolence the splitting of farms. But, Sir, what I have to do with the question, at present, is, to show that the system of ‘engrossing great farms,’ to use Bacon’s expression, has been among the first of a series of connected causes which have led to the present degradation of our labouring poor. I shall not advert to past times, when the same practice is described by our authentic historians as having led to such fatal consequences; the present are sufficient for my purpose. No one can take up the work of any agricultural theorist, if published some time

ago, but he will find the most pressing recommendations to the land-owners to increase the size of their farms, and the most tempting calculations to induce them so to do. Meantime, there was an equal unanimity as to the advantage of such a course, even to the little cultivators themselves; they were to do abundantly better as labourers than as small farmers. They valued, indeed, their independent state; they were reluctant—agonized I may say, in every instance—at the thought of being driven from their holdings, but they were compelled to submit. The village A-habs seized upon the vineyards of their industry, and their destruction was complete. The numerous class of little cultivators, or as they might be called, independent or free labourers, being thus extinguished, let us trace their condition into that class whose numbers they greatly augmented—the dependent or servile labourers, as I fear they may be too justly denominated. Two ranks only existing, let us see next how these labourers have been treated to whom such large and consoling promises had been held forth. Why, Sir, still the plea of public improvement was advanced, improvement of which they were again to be the sole victims; I now allude to the manner in which the inclosures of the commons and wastes of the country were carried into effect, which comprised, within a comparatively short period of time, so large a part of the entire surface of the kingdom. I am not about to contend, that inclosures should not have taken place; on the contrary, I would have had them become universally prevalent; one general inclosure Act, as was often urged, ought to have been passed for that purpose; then, it was often said, the ancient and sacred rights of the poor labourers would have been secured, and just reservations made for them in mortmain placed under the management of every parish—the only way of preserving their rights and privileges as a class; but, alas, all such inclosures were made by the wealthy and interested parties, and their humbler rights, equally recognised by justice and sound policy, were totally disregarded. Sir, I contend that the poor cottagers and labourers had an equitable, if not a legal right, agreeable to the known principles of the British law. If it be argued that their claims could only be founded, in many cases, upon usurpations, as the law would denominate them, so, it should be recollected, are all the rights

of property among us, at least as expounded by a fiction of that law. The tenants *in capite* encroached upon the Crown; the lesser upon the greater Barons; the smaller proprietors, especially the copyholders, upon the Barons. Indeed, it is calculated by Barrington, in his work on our Ancient Statutes, that not many centuries ago, half the lands of England were held upon the degrading tenure of villeinage; and, though the state that term implied, or the galling conditions it imposed, were never abolished by statute, it gradually ceased by force of long usage. Thus has custom ratified those rights of possession which grew up imperceptibly among us, prescribing accordingly the appropriation of all property not yet in severalty. Thus, if a royal forest has to be inclosed, the contiguous parishes, or rather proprietors, demand their share, on the ground that they have depastured upon it. They urge their claims, “and have those claims allowed.” But shall we not blush for ourselves and our country, when we observe at what precise point it is, that this principle stops—that those essential rights, interests, advantages, call them what you please, which ought on every plea, whether of justice, humanity, or policy, to have been liberally considered and fully secured, have been altogether slighted and sacrificed; that land which had not been appropriated since it was created, was, when divided, dealt to the wealthy alone, and in shares proportioned to their wealth, to the total exclusion of the claims of the poor; and that in those cases where, according to Locke’s doctrine, they had obtained a sort of natural right to their little cot, with its inclosure, by having obtained it by their own labour, and in some sort created it—even then, as he indignantly exclaims, the rich man, who possessed a whole county, seized when he pleased upon the cottage and garden of his poor neighbour, in contempt of what, had they been as fully traced, and as well asserted, would have been found to be rights which ought to have been as sacred as his own. I am aware that I am now taking a most serious view of this subject. God forbid, however, that I should pursue this course with any other view than that of inducing the Legislature to look into this matter, and then it will, I am sure, make some restitution (and moderate, indeed, will be all that I shall propose, and involving no sacrifice of property whatever) for the in-

juries sustained by the poor in this to them important matter. I shall, therefore, persist in showing, on authorities as well conversant with the common law of the country, and the rights in question as any, I think, that now exist, that the Inclosure Acts, as they have been carried into effect, have been inconsistent with the principles of law as well as with equity and mercy. I will first quote the earliest legal author who wrote specially upon inclosing, or, as he expresses it in the legal phrase which still survives, approving; and one who was also a practical agriculturist—Sir Anthony Fitzherbert, the celebrated lawyer and Judge. He thus lays down the law on the occasion, in his book of Surveying. ‘Every cottager shall have his portion assigned him, and then shall not the ryche man overpresse the poore man.’ Sir Robert Cotton, of the same profession, and who also wrote expressly upon the subject—inclosing, speaks thus:—‘In the carriage of this business there must be much caution to prevent commotion;’ he recommends, therefore, that plots shall ‘be devised to such inhabitants, and at and under easy values.’ Lord Chancellor Bacon, strenuously urging the same agricultural improvement, couples, it however, with this momentous condition—‘So that the poor commoners have no injury by such inclosures.’ The total neglect, however, of their rights in all such proceedings called forth the strongest reprobation of a succeeding Chancellor, who termed the system as pursued—“a crime of a crying nature.” I have adverted to Locke’s energetic expressions on the subject, and shall pass over many others, only adducing one more authority of a modern date, and of an official character. It is that of a report drawn up, I believe, by the excellent and patriotic Sir John Sinclair, whose long life has been devoted to the service of his country, of a select Committee of the House of Commons, appointed for the special purpose of considering the subject, which clearly recognises these rights of the poor, and most strongly recommends that they should be secured. ‘If’ says the report, ‘a general bill were to be passed, every possible attention to the rights of the commoners would necessarily be paid. The poor would then evidently stand a better chance of having their full share undiminished.’ I will not multiply these authorities; suffice it to say, that all such have held the pri-

villeges the poor formerly possessed in the light of sacred rights, and have earnestly contended for the necessity of their preservation; these, however, have been now almost entirely wrested from them by a series of private inclosure bills, inflicting upon them, as a class, the most irreparable injuries. Inclosures, indeed, might have been so conducted as to have benefitted all parties; but now, coupled with other features of the system, they form a part of what Blackstone denominates a “fatal rural policy;” one which has completed the degradation and ruin of our agricultural poor. Formerly the industrious labourer had this means of advancement; to this remaining privilege, also, the ejected little farmer could resort, but at the same time, and under the same system that some village monopolist seized upon his fields, he drove him also from the waste.

“If to some common’s fenceless limits strayed,  
He drives his flock to pick the scanty blade,  
Those fenceless fields the sons of wealth divide,  
And e’en the bare-worn common is denied.”

Now, Sir, it was from the first so obvious, notwithstanding all the interested and selfish declarations to the contrary, that inclosures, as they were carried into effect, would be greatly injurious to the industrious poor, that it hardly seems necessary to prove how truly these fears have been verified. I will, however, just mention that the report of a Committee on inclosures, in 1808, states, that the results which were the subject of examination in a tour of 1,600 miles, made for that purpose, proved that they had been clearly injurious to the poor. An intelligent witness informs another Committee of this House, namely, that which sat to inquire into the high price of provisions, that he had himself been a Commissioner under twenty inclosure Acts, and states his opinion as to their general effect on the poor, lamenting that he had been thereby accessory to injuring 2,000 poor people, at the rate of twenty families per parish. I fear, sir, the reply of a poor fellow to Arthur Young, the great advocate of inclosures (though under regulations which would indeed have rendered them a benefit to all parties) recorded in one of his agricultural surveys, is true to a more or less degree of every industrious labourer in England, wherever these improvements have taken place. To his query as to whether the inclosure had injured him, he replied,

'Sir, before the inclosure I had a good garden, kept two cows, and was getting on; now I cannot keep so much as a goose, and am poor and wretched, and cannot help myself, and still you ask me if the inclosure has hurt me!' Nor, Sir, has the system in question stopped even here. Another, and if possible, a still deeper injury which it has also perpetrated, still remains to be noticed. Not only has the little farm been monopolised, the common right destroyed, the garden in many instances seized, but the cottage itself demolished; and the plough-share now drives over many a little plot where once stood the bower of contented labour. A few blooming shrubs are still seen twining round in the fence, and here and there a flower, tenacious of the soil, blossoms in its season upon the spot which was once the abode of peace and happiness; like those which grow upon the grave of some forgotten, but once loved being though the hand which planted them is also gone for ever. I am presenting, Sir, no imaginary or solitary cases—no, these demolitions have been, as Lord Winchelsea observed in his communications to the Board of Agriculture, many years ago, most numerous; and, not content with the opportunities these inclosures gave them, the great agriculturists have, in not a few instances, combined and subscribed to forward this work of destruction; and it has even been gravely propounded as a question in this House, or at least in its Committees, whether direct legal means ought not to be employed to hasten it forwards. There has been no occasion—the work is accomplished. Those have prevailed who have pronounced the labouring poor to be redundant, and whose nests, therefore, as human vermin, were to be cleared; hence their humble abodes have been demolished. The foxes, indeed, might have holes, and the birds of the air nests, but these Christian philosophers would not let a poor man have where to lay his head. Three results have followed, any one of which is perfectly decisive as to the condition of the poor. First, Sir, their present cottages are often of a most wretched description; "spurned indignant from the green," they are placed at a distance, so as to "screen the presence of contiguous pride;" miserably deficient in necessary accommodation, almost always destitute of a good and sufficient garden; in a word, the wretched inmates, and the hovels into which they are thrust, are

worthy of each other—miserable to the last degree. Secondly, and to this I call the most serious attention of this House and of the country, as an evil demanding an instant and effectual remedy, if there be any sense of decency or humanity left among us, these huts, miserable as they are, are rendered still more miserable by being deficient in number: there are not enough of them; hence more than one family are often thrust into the same dwelling, to the utter destruction of all peace, comfort, and decency. Sir, on this most important point I proceed to prove what I assert—namely, that we have, by the operation of causes which I have been enumerating, most cruelly diminished the accommodation for our poor labourers; and I shall do so, not by vague authorities, or opinions in pamphlets and books on political economy, but by authentic and indisputable facts, which at once decide the subject. I shall take the first county which is presented to us in the report, and which seems, on the testimony of one of the witnesses, to be well entitled to that bad pre-eminence—namely, Suffolk. Suffolk, Sir, has, in the course of 120 years, increased in population, including the great increase of some of its towns, as much as eighty per centum, and rather more. What has been the increase in the accommodation for the poorer part of the population? Why, Sir, in 1690, there were 47,537 houses in that county: in 1821, then, there ought to have been at least 90,000 houses. But, alas, Sir, there were in the latter year only 42,773 inhabited houses, the absolute number being eleven per cent fewer than 130 years before. The whole of the six counties so selected exhibit a result, in this respect, not quite so appalling, but sufficiently distressing, however regarded. Their population, had from 1701 to 1821, advanced upwards of seventy-five per cent, but the houses for its accommodation less than twenty-five. It is unnecessary to remark on what class the misery of such a state of things would be made to rest. Even in counties supposed by this Committee free from this state of things, "th' infection works." I hold in my hand the invaluable pamphlet of the Vicar of Alford, in Lincolnshire, who enumerates fifteen neighbouring parishes in which he found, on diligent inquiry, that the comfortable agricultural cottages demolished since 1770 amount to 176, and that nine only

have been built since that period. But to return to one of the former counties: I will present to this House, in the instance of a single parish, and that not one selected for the occasion, the facts and consequences of such a system. It is described in a letter from the Vicar of a place which I shall not name, but an extract from which I shall read to the House. It is situated in one of the disturbed districts. 'During the last forty years,' says the reverend Gentleman, 'four cottages only have been built by \* \* \* \*, and even these in lieu of the same number taken or fallen down. The accommodation for the poor is far more confined than it was some years past. The old parsonage, which I rebuilt when I came to the living, I found inhabited by four pauper families. There were also, a short time previously, five pauper families in two farm-houses, now occupied again by farmers. The want of room, therefore, has created the greatest difficulties to the Overseers, and has rendered their office peculiarly painful. For several weeks they have been compelled to quarter a poor family at the public house, two of the young men being under the necessity of sleeping in a barn. In some of the cottages the poor are so huddled together that the sight is most distressing, and the effect, of course, very demoralizing. The following is a specimen:—

Cottage.	Families.	Persons.	Accommodation.
No. 1	.. 2	.. 10	.. 1 ground floor, 2 bed rooms.
2	.. 2	.. 8	.. 1 room only 12 feet square.
3	.. 2	.. 7	.. 1 room ground floor, 12½ ft. square. Two girls obliged to sleep on ground.
4	.. 1	.. 9	.. 1 room ground floor, 1 bed room.
5	.. 1	.. 7	.. 1 room only 12 feet square.
6	.. 2	.. 11	.. 1 room ground floor, 2 bed rooms.
7	.. -	.. 11	.. Different individuals, all females, except a youth of 18, and a young boy. 1 room

ground floor;  
1 bed room.

8. .. - .. 9 .. Different individuals.'

He goes on to say, 'Most of these cottages are in a sad state of repair; and all, with the exception of the two last, which are parish houses, belong to the lord of the manor.' He says that he made application to the non-resident proprietor (to whose intentional benevolence, however, he bears testimony), and to his agent, but could obtain no redress of this grievous state of things; as the latter had come to the determination (a very usual one) that not an additional cottage should be built—of course giving the orthodox reason for the refusal. I cannot refrain from quoting him a little further, as what follows has a most special reference to the only apology which can be urged for this mass of misery—a supposed surplus of numbers. 'The Overseers assure me,' he adds, 'that there are not more labourers than the cultivation of the land requires—nay, that should the use of the threshing-machine be discontinued, there would not be sufficient.' He proceeds to make some most pertinent and touching remarks upon this state of things, and its inevitable consequences, and concludes by suggesting a measure of relief, which I had long ago regarded as essential to any plan whatever which contemplates the bettering the condition of the poor—namely, a restoration of their cottages to some extent. He intimates that the condition of the poor in the neighbourhood is, at least, quite as bad, and must, sooner or later, produce the most lamentable and alarming consequences. Sir, I will beg the House to consider some of these consequences. Not only early and general depravity, but crimes of the most fearful nature are thus generated. But not to dwell, said he, on this horrid subject, what, I ask, must be the usual consequences, when different families are thus thrust into the same hole as a sleeping apartment; and, immorality out of the question, how can decency be preserved, especially under certain circumstances, in the family in such cases? But, Sir, I will pursue these revolting descriptions no farther. Hurried away by my indignation at this cruel and indecent usage of the poor peasantry, I had almost forgot one revolting feature of the system of oppression to which they are now subjected.

For these accommodations, wretched as they are, the most exorbitant rents, exorbitant in reference to what they are worth (that is often, literally speaking, nothing) or for the little patch of garden ground when they have any, are exacted; a fact which has been fully verified both by agricultural reports and surveys, and by witnesses before your own Committees, and is fully known and undisputed. Indeed, it has necessarily happened, that the more the cottages have been diminished in number, the more have their rents been increased (a consequence which the economists themselves will allow to have been inevitable) till they have, at length, compared with every other species of property, become exorbitant, compelling the wretched tenant to resort to the parish for the means of paying them; leaving him, therefore, the disgrace of being a pauper, but depriving him at the same time of the relief he should receive as such. I now come to another principal branch of the subject—namely, that which concerns the wages and employment of the poor. But on this point, important as it plainly is, time will compel me to be short. When the improvements, as they have been called (and might have been rendered), in the agricultural system took place, and the labouring classes were deprived of their little holdings, their commonage, and often their good gardens, they were told, that the demand for their labour would be so greatly increased, and its wages, consequently, so much advanced, that they would be infinitely better off under the new plan. But, Sir, it no longer admits of a dispute, that while they have thus been deprived of their independent labour, that which they yield to others is rendered, as far as possible less necessary and worse remunerated. In summer or harvest, as I have before shown, their work is indeed demanded; but it is to the winter, the trying season to the poor, that I am now about to advert. First, Sir, the altered practice of hiring servants by the week, instead of, as was formerly the case, by the year, has had a pernicious effect on the winter employment of the poor. The report I have so often alluded to, when referring to the northern counties as those in which the condition of the poor is still comparatively comfortable, should have stated (had the Committee known it), that this practice still prevails in the border counties of England, to the equal comfort and ad-

vantage of all parties. Secondly, the threshing-machine has, as far as possible, dispensed with a great part of the winter employment of the labourers, and, all the incidental expenses duly considered, without, as far as I have been able to calculate, any advantage whatever to the farmer, or to the public. I speak not thus as an apologist for the attacks that have been made upon this description of property; far otherwise; but with the hope of inducing the agriculturists to count well the costs before they sanction (where it is unnecessary) that which will inevitably distress and pauperise the poor. Lastly, and to this particular I would draw the attention of the House, as of infinite importance in any view of the causes of the distress of our rural poor—the improvements of the machinery of this country, and the consequent transference of the simplest processes of manufacture to the large towns of England, have had the inevitable result of depriving the female part of the cottagers' family of that profitable employment which presented itself, indeed, at every vacant hour throughout the year, but which secured to them a constant occupation in the winter season. A late Flemish writer exults in the circumstance of the winter cottage labour in that country being still preserved in great measure; and he attributes to that fact the comfort of their rural population. That is no longer the case in England, nor perhaps can ever be again. Let us, then, be the more anxious to consider how we may compensate this great and necessary class of the community for this connected series of deprivations and misfortunes, which have occasioned the misery which now overwhelms them. Thus, then, have our rural poor been successively deprived of every advantage which they formerly possessed, and of every chance of improvement which they once were so eager to avail themselves of. But I will no longer fatigue the House by these details. I may, however, be, perhaps, permitted to present in a single instance, and that not a selected one, the state to which I would draw the attention of the House. I have personally inspected the condition of the agricultural poor in some of the districts I have alluded to. I remember the last cottage I entered, and it was by no means the deepest picture of distress that might have been selected, on the contrary, there was nothing in it of peculiar disease, calamity, or sorrow,

In this I witnessed a fair but instructive example of the general state of many of the agricultural poor in that neighbourhood. All the furniture consisted of a few utensils for cooking, and a few three-legged stools, evidently of home make, and a large one of the same description, which answered the purpose of a table, and from which they took their meal. That meal was cooking, and it consisted of a few potatoes boiling over a handful of sticks. I went into the remaining apartment—I was about to call it a bed-room—but there was no bed; a few rags were lying upon a little straw in one corner, and there the whole family, several of whom were nearly grown up, rested without taking off their clothes. The wretched parent had no work, but the threshing-machine was resounding close at hand. I remarked, however, that he had a garden, though a small one; but I was soon told, that what I saw belonged to three cottages, and that his share was marked by a row of sticks, and it was certainly not the size of this floor. But I will not recapitulate the sad, but true complaints of this wretched peasant: his want of a garden and a pig. His father had a cow. There was no winter labour for either himself or family. His wife and his daughters (two females nearly full-grown) no longer wove lace, or knitted, or spun, as his mother and sisters had done. All was wretchedness and despair. On inquiry, I found his rent was 3*l.* 6*s.* per annum—one shilling was taken weekly, and the rest made up in the harvest months. He was, of course, like the rest of his poor neighbours, a pauper. The parish, however, employed him, but so as to insult him. He and others had to carry stones of a certain size backwards and forwards, a distance of about three miles, twice a-day. The land was evidently deteriorating for want of due cultivation; but, in the mean time, neither by the proprietors, nor by the farmers, could he be spared so much as a rood for a garden plot. He was perfectly stupified by his condition, and if he did not proceed to outrages which many others were committing in that neighbourhood, I speedily found that it was not because he was insensible to his sufferings, or at all afraid of the consequences of resenting their infliction. But I will not dwell upon the melancholy subject; this deplorable and desperate condition was that of the neigh-

bourhood—I fear, of the district; nor would I have alluded to the subject at all, but that I am firmly persuaded there are easy and effectual remedies for this strange and alarming state of things. What, then, are those remedies? Sir, the measure I am about to propose, is not, if I may so express myself, a tentative one, a plan of mere experiment: it is founded upon no new discoveries in human nature or policy; no novel or untried expedients; no distant or doubtful remedies. It does not contemplate to send off the thews and sinews of the country to the antipodes, the equator, or the pole, in search of relief. Nor does it include the locating of our labouring poor upon our waste lands, though that scheme, carried into practice to a certain extent, I hold to be a much wiser and patriotic scheme than many usually recommended regarding them. As a general plan of relief, I think it is, however, liable to some objections, which I shall not now state. The plan I propose contemplates to repair the injuries which our labouring poor have sustained in the scenes where they have been inflicted, to the equal advantage of every class of the community; and by means, as I hope to show, perfectly simple and practicable, and imposing, permanently considered, no burthen whatsoever upon us in its execution. Sir, there will be no novelty in any of my propositions, except that of requiring that Legislature, which has been, in some measure, an accessory to the injuries of the poor, to afford those facilities which shall render them universal, and the miseries of your agricultural poor, and the insubordination which they occasion, are at an end. First, I propose that a certain number of cottages should be rebuilt in those parts of the country where they are most wanted; which being the only part of the measure demanding an outlay worth a thought, I had for some time meant to have postponed, but after due consideration of the subject myself, and having had numerous communications with others most impressed with the present condition of the poor, I came to the conclusion that no plan whatever, for the relief of our agricultural poor, has the least chance of affording them any adequate relief, if this proposition be omitted. A cottage, according to a calculation I have made, might be erected, and have, at least, its rood of ground around it as a garden, and let to the cottager at 50*s.* per annum, and still pay a

higher interest than any other description of real, or even funded property among us. Still less would be the cost, were Government, without sacrificing any real income, to facilitate the measure as I shall hereafter suggest. Here there is accommodation of an infinitely superior kind to that now usually enjoyed, affording a rent which would allow ample reservations for repairs or other purposes, at one half, nay, one third, of the sum usually paid to the thoughtless sub-landlord, or griping speculator, whom the present system allows to live upon the poor-rates, rather than the pauper labourer whom he makes his agent for that purpose. The erection of even a very few of these cottages, where they are most needed, would not, I am hardly required to say, merely afford so many additional and improved accommodations to the degraded poor, and even in doing that, the benefit would be incalculable—but, Sir, these would inevitably have a most surprising and gratifying effect upon the rest, in improving the accommodations, and consequently, morals and comforts, of the poor; secondly, in greatly lessening their extortionate rents; and thirdly, in proportionally reducing the poor rates, a large part of which, in many places, goes to make good these infamous exactions. The difficulty of raising means, in this land of wealth and humanity, for so humble an effort, I will not for one moment regard. Four methods I have contemplated, all of which, I am confident, would be available, and any one of which would amply suffice for the purpose; but should these all fail, where would be the difficulty of Government granting a small loan, secured by the respective parishes at the usual interest, which parishes would possess the property, to their own great and obvious advantage, as well as to that of the poor? For this plan, so important to the poor in every possible point of view, not one farthing then would be given, not one farthing risked by either the parish or the country. The second feature of my measure, Sir, is still more easy; it is this—the giving, or rather restoring, by the means, and in the manner I shall speedily point out, to the labouring poor, at least to those deserving and desirous of an advantage—gardens, not gratuitously, indeed, but at the full value at which the lands are let where they are situate, and no more. Sir, this simple restitution would effect of itself

wonders in their behalf; the revival of cottage horticulture would yield additional employment to the peasant, and especially at those seasons of the year when he is now often without it; it would increase his comforts, and go far to restore to him plenty at all seasons. By gardens, I mean not the barren and overshadowed patch that may be still sometimes left at the back or in front of some of the ruinous cottages of the country, sufficient, perhaps, to grow a shrub or two on which the wretched inmates can hang a few rags to dry:—such, Sir, only mock and tantalize the industry which they can neither excite nor reward. Such will, and ought to be, neglected. I mean by a garden, a good and sufficient garden. The circumstance of any of the cottagers of England being devoid of these, especially in the present condition of the country, would not be credited, were it not so notorious a fact as no longer to excite curiosity or remark. Certainly, such a circumstance, were we unacquainted with the real cause, would be attributed at once to the disinclination—nay, refusal—of the poor to avail themselves of the employment and advantages which horticulture affords. And, Sir, when we consider the state of the poor, their involuntary idleness and wretchedness, and the moral and political consequences of their condition, and know that this one pursuit would relieve them and the country of many of the evils under which both now labour—were the poor, destitute of any wish to avail themselves of it, no national sacrifice could be too great, hardly any sum (burthened as the country is) too vast, could a decided taste for horticulture be purchased for our agricultural poor. Sir, the poor of England have this taste—passion, I may even call it, in them, for gardening, beyond any other people upon earth. Sir, what will they not do to gratify it, even now, when the inclosures in every part of the country have rendered it almost impossible for them to find the means of gratification? Who has not seen the thousands of little strips which the poor labourers have taken in by the road sides in this country, the labour of inclosing which, estimated at the lowest wages, is often many times the amount of the worth of the narrow plot thus obtained; though the industrious peasants know that they are at any time liable to have their plot seized, and are certain that, at some time or other, it will be so?



Few of the poor, however, have the opportunity, or would have the permission, to obtain even this little advantage; it is true, the great farmer may allow them occasionally the temporary possession of a distant headland, on which to plant a few potatoes. But, Sir, this, wherever situated, is not the advantage I ask for this class; it is the garden, properly so called, which the husbandman can call his own, in which he can display his taste and cultivate as he pleases; and where, surrounded by his family, he labours not only for present but prospective advantages; where the feelings of hope and the consciousness of prosperity are alive within him, rendering him as happy as his master—feelings which, alas! are seldom gratified. But I will proceed upon this subject no further. The poor, every one must know, have the taste in question. They are fully aware of the pleasures and advantages attending its gratification; and they bitterly complain of having been dispossessed of the possibility of obtaining small spots of ground for cultivation. They have, in thousands of instances, besought their superiors to restore to them their garden, as in other days. They have constantly prayed for this great favour. It has been denied! “They mourn in their prayer and are vexed.” Sir, I have here a calculation, made by one of the ablest of our agricultural writers, of the advantages, estimated in the most moderate way possible, of a good garden to the industrious labourer: but I have not time to enumerate them, interesting and important as they are. But I would not rest here. No advantages, however valuable, if indiscriminately extended, would fully answer the ends we ought to have in view regarding this class: nor, indeed, can any rank of society, no, nor any individual, whatever be his pursuit, be incited to those becoming exertions, on which human prosperity, individual and national, depends, without holding forth further adequate inducements and rewards to successful efforts. I would then propose, as a reward and distinction to the deserving poor, what would indeed be to them no empty honour, but the highest possible advantage, though still it would involve no pecuniary sacrifices whatever, I would propose to restore to such the opportunity of keeping a cow, on customary terms. These cottagers would have to be selected for their good conduct, industrious habits,

and honest endeavours to bring up their families without parochial relief. They would have to be admitted tenants of little intakes, or to depasture upon a general allotment, and they must have a meadow appropriated for the purpose of providing them with hay. Either of these plans might be adopted, and both of them have been so with great success; that, however, which gives the cottager his own share is severally is undoubtedly to be preferred. I have contemplated the difficulty which, in certain instances, the most deserving and industrious of our labourers would have in raising sufficient money for this purpose. This difficulty, however, is more apparent than real, and may be obviated, as I will on another occasion show, when I hope to enter more into the details, and less into the principle, of the measure, with equal advantage to all parties. A point far more material to mention is, that the measure contemplates securing the advantages proposed, whether for keeping the cow or the garden, at the current and usual terms of land of equal quality in the same district, and let by the same owners. And I am ashamed of acknowledging how necessary is this provision; otherwise that extortion to which the poor are now exposed would pursue them again. I have ascertained beyond all doubt, that in those few instances where the poor now obtain, or have been suffered to retain, the advantages in question, they too frequently pay for them, on the average, more than double what is demanded from the larger tenants in the immediate neighbourhood. If these advantages be secured to the little cultivator, I will engage for the effects. Happiness will be conferred upon the class in question, and their superiors will also be rewarded; for to the arguments which justice and generosity suggest, those which self-interest supplies may be fairly added. This plan would diminish the burthen of the poor-rates, now so heavily felt in many of the agricultural districts of this country; and this most important consequence, I proceed to shew, would take place, from instances in which a similar plan has been put into operation by means of private benevolence. The instance I shall first adduce is that which occurred in the parish of Long Newton, in the county of Gloucester, where the excellent and benevolent father of the present member for the University of Oxford, the late Mr. Estcourt, stated

that, out of 196 persons, thirty-two families, consisting of 140 persons, were poor, and indeed in the depth of extreme poverty, to use his own words. The poor-rates amounted to 324*l.* 13*s.* 6*d.* In order to extricate them from this state of misery and wretchedness, he adopted a plan in some respects similar to the one I now propose; and what have been the consequences? An immediate abatement in the misery of the poor; the most gratifying improvement in their character and morals; and a progressive diminution in the poor-rates down to 135*l.*, in 1829 (the last year reported), amounting to 10*d.* in the pound only, on the valuation of the parish in 1815. In Skipton-moyne, an adjoining parish, where the same course is pursued, I find the poor-rates have diminished between 1813 and 1829, from 367*l.* to little more than 209*l.* on the average of the last three years. In the small parish of Ashley, where the present excellent member for Oxford University has also pursued the same course since 1812, I find that the poor-rates, which then stood at 89*l.* in the year 1813, have now dropped to 55*l.*, or 10½*d.* in the pound. In other parishes the same effect is taking place under the same auspicious direction. But, perhaps, it may be said, that every plan of benevolence, of whatever character or description, is found to answer under the warm and enthusiastic management of its patron. To show that this system of benevolence does not depend upon mere superintendence, I will, lastly, give another instance where the cottagers have been allowed these privileges for at least 200 years; for at that time an inclosure took place, and the then owners had the good sense and humanity to reserve a small allotment for the purpose of letting it to the cottagers at moderate rates. A gentleman who communicated this fact to the Board of Agriculture, above thirty years ago, through Lord Winchilsea, says, as a natural consequence of such a system—‘We can, therefore, hardly say that there are any industrious persons here who are really poor, as there are in places where they have not this advantage.’ This communication was made in 1796, and I have been anxious to see the effect of this system, imperfect as it is in some respects, on the poor-rates. I find that, on the average of the last seventeen years, namely, during the period in which we have had annual returns, the amount averaged 25*l.* 4*s.* 8*d.* only; or, on

the valuation of 1815, rather more than 4½*d.* in the pound; or perhaps 1*d.* in the pound on the value of the whole produce of the parish. Would the most parsimonious manager of the poor require a less demand upon the national or parochial funds than this? In two other instances, one a village in Lincolnshire, and another in Worcestershire, the same management has produced equally beneficial results. I had meant to have given some equally authentic proofs of the individual happiness this system creates wherever it has been partially introduced; but time will not admit. To the poor in particular, to use the language of a most intelligent correspondent of the Board of Agriculture, ‘the advantage is so great, as to baffle all description.’ May it be the business of this House, as it is its evident duty, to make that happiness universal! One other provision I would propose in favour of the poor in districts where it would be needed. I have said much of the want of winter labour for the poor, and of the depression of wages, and consequent pauperism and degradation which exists in consequence of this state of things in several parts of the country. Gardens for the whole, and homesteads for a part, of the labouring poor, would, I am convinced, do much, very much, to remedy these evils at once; perhaps, however, not enough to protect those from the pernicious custom, which degrades, in certain parts, the labouring poor, to whom work, after all, is bread. Employment might, therefore, in certain cases be still wanted, and, in far more, adequate remuneration for the employed, and these are objects, as I take it, very easy to be accomplished. The celebrated law of Elizabeth, I need not say, prescribed that labour should be furnished for the able but unemployed poor; and to effectuate this, it contemplated the establishing parochial manufactures on the domestic system. And this was then a wise and practicable plan, as most of the manufactures of the country, at least in their initial stage, were then pursued in the cottage. And see, Sir, what a vast and expensive task our ancestors undertook in their measure of providing employment for the poor. They contemplated the general advance of capital, the purchase of stocks whereon to employ the numerous unemployed poor, and that superintendence which was necessary for realising such a scheme. Compared with all this, the plan I should pro-

pose, would be easy, and the burthens it would impose upon the community would be indeed light. But to return; all the writers on this great subject, for at least half a century afterwards, such as Sir Joshua Child, Sir Matthew Hale, John Locke, and many others, placed their projects on the manufacturing basis, properly so called. The workhouses first erected in considerable numbers about a century ago, proceeded upon the same idea, and have led to greater evils, and occasioned a greater additional expense, in managing the poor, than any other part of the existing practice. Fully aware that they are occasionally well and humanely managed (and an exemplary instance occurs in the town where I reside), still, on the whole, the system is a crying evil, and demands immediate revision. Manufacturing labour (properly so called) being, therefore, totally out of the question, it follows, that what Montesquieu emphatically calls "the universal manufacture," the culture of the soil, is the only resource that remains for this important purpose, and happily for us it is of all others that which is most adapted to the peculiar wants and condition of the country. We have lands enough, and, as some contend, hands too many; surely, then, there can be no hesitation whether, or in what manner, we shall employ those whom we are otherwise compelled to sustain in idleness. The desiderata on this branch of the subject are these: first, to increase employment without improperly interfering with the general market of labour; secondly, to sustain at a just remunerating price the value of the labour of those who are willing and anxious to work for their subsistence; thirdly, to compel those to labour who would otherwise seek to be maintained in voluntary idleness. All these objects, each of which are so desirable, might be secured by taking a parochial allotment of land, and cultivating it by spade husbandry. To the employment thus created, the unemployed might and would repair; those also who were offered totally inadequate wages, such as would eventually send them to the parish to make them up to a living amount, would resort to the same lawful means of avoiding pauperism and oppression; and, lastly, those who wish to subsist without labour on the parochial funds, would be by this means prevented so doing. In

such a country as this, demanding as it does so enormous an importation of the necessaries of life, the only market of labour really interfered with by this plan would be that of foreign countries, and the only persons who would be otherwise than sensibly benefitted would be the idle and profligate paupers. I had prepared myself more particularly for this part of the measure, but the time is gone. The ease with which it could be executed, the certainty of its success, the employment it would create, and the wages it would distribute, principally at the seasons of the year when labour is not supposed to be the most scarce, the advantage to the parishes of the country and to the public at large, these formed a large part prospectively of the subject which I have this night brought before the House; but upon these topics, for the reason I have stated, I must not enter. I shall now proceed to the means by which I propose to put this measure into execution; and this also I must, for the same too obvious reason, touch upon with very inconvenient brevity. The necessary machinery, then, for executing this plan I would take, in the first place, from the parochial officers already appointed by law—the Churchwardens and Overseers of the poor, who are, as a body, a most useful and meritorious class; but I would not, however, resign the duty to them without control, as it might, and sometimes would, as happen in the country parishes, that they would have been parties to the mischief of which I have been speaking, and therefore not the most proper, or perhaps willing persons to remedy them. To them, therefore, I would add another important parochial functionary, to be created by law for this purpose, whose duty it would be to see, that the various provisions of the Act were truly and impartially carried into effect; conjointly with the present parochial officers, if that might be; but, if the latter should withstand the execution of the measure in the manner or spirit in which it is proposed to be carried into effect, then proceeding on his own authority, subject, however, to an appeal to the Quarter Sessions as to the propriety and fairness of his decision. This office would probably fall upon the resident, or, as he is sometimes called, the working clergyman, and, if so, from all I have witnessed or read in Committees or reports of this House, the better, generally

speaking, would it I think be for the poor. He was the individual contemplated in the Bill of the present Lord Chancellor when he proposed his benevolent measure touching education, to this House, which demanded local superintendence and management; but perhaps the appointment should not be thus fixed by law, but left to the parishioners, the poorest, however, in this case having their votes, or to the Magistrates of the division, as the farmers might overawe the poor in their choice; but this I leave to the wisdom of this House to determine. The office, by whomsoever undertaken, would be a thankless and unprofitable one, but its best and indeed high reward would be, the consciousness of largely administering to the public prosperity, as well as serving to an almost indescribable extent the deserving and industrious poor. Its conjoint duty would be, to select sites, and cause the erection of a certain number of cottages necessary for the decent accommodation of the labouring poor of the parish; to see that these and the cottages already in being had good and sufficient gardens attached to them, adjacent if possible, or at a convenient distance; if otherwise, to determine upon those labourers, according to the qualifications already stated, who shall have the advantage of keeping their cow, and to fix upon the conveniences for their so doing; to apportion, where such a measure would be found necessary, a plot of land as a work-field for the unemployed poor; and lastly, to ascertain that all these advantages were obtained at a current and reasonable rate as to rent. This officer I would denominate Guardian, or Protector of the Poor, investing him with powers to carry these propositions into effect, but imposing upon him no duty as to receiving or disbursing any of the sums required for realizing the measure. That this plan shall stand clear from a multitude of frivolous, or even from some real objections, is more than I anticipate. I defy, however, its opponents to advance any objections against the measure in the slightest degree comparable in magnitude to that of allowing things to remain as they are, to the utter destruction of the comforts and morals of the poor, and the imminent peril of the peace of society. I will only take up the further time of the House while I anticipate one of these, and it shall be that which I think will alone

be put forth, and worthy of a moment's consideration; it is that founded upon a rigid view of the rights of property. I will speedily dispose of this objection, so as to convert it into an argument in my favour, if there be any longer an honest intention to deal equally in matters of law and equity with the different ranks of society amongst us. In pleading for the restitution of the humble privileges of the poor as I have done, be it recollected that I have not asked for an indemnity for past spoliations, nor for any eleemosynary grants in lieu of them. I merely wish to put it to the House as a simple question of law and policy, whether the demand I make can be with the least colour of justice rejected. Sir, the rights of private property, ever since they have been recognized, have been made to give way to public necessity, or even convenience, not indeed by way of sacrifice, but for a reasonable compensation. Thus in the country the public road is projected, and when created, widened, shortened, or changed in its direction, or even a man's field broken into to obtain the necessary materials, whether in grass or tillage; the canal is dug, or the railway driven through an entire district, principally for the benefit of distant places and persons, so far interfering with the rights of property, and often inconveniently, in hundreds of parishes. In our cities whole streets are demolished, bridges erected, new approaches formed, nay, extensive alterations often carried into effect, whose sole apparent object is ornament and display; yet all of these demand, and on such terms as the law prescribes, the surrender of private property, and the often unwilling removal from their accustomed situations and established means of subsistence, of numbers of individuals. Now, I deny that while the object in any such instances, however proper in itself, is at all comparable in importance to the one at issue, however regarded, yet I maintain, that the liberty taken with property in any of these cases is infinitely greater than that which I propose; and yet that is never urged as a valid ground of objection against extensive and important improvements. Show me then an improvement in any one point of view at all comparable to that which promises to give happiness, peace, and prosperity to millions of the people; which would beautify instead of deforming the face of the country; which would increase

of England. This was particularly the case in Sussex, where the system prevailed to the greatest extent, and where the condition of the peasantry was worse than in any other county in England. He would ask any one, who had any doubt on this subject, to refer to the evidence taken before the Committees of 1824 and 1829, who were appointed to inquire into the condition of the agricultural poor. From the returns it appeared, that in the county of Sussex the amount of poor-rates, measured by the property-tax of 1815, was 6s. 9d. in the pound, in the county of Bedford it was 6s. 2d., in the county of Buckingham it was 5s. 5d., in the county of Kent it was 5s. 8d., and in the county of Suffolk 5s. in the pound. Now for the counties in which no such abuses had existed. In the county of Northumberland the poor-rates were but 1s. 7d. in the pound, in the county of Westmoreland 2s. 4d., in the county of Cumberland 2s. 1d., and in the county of Salop 2s. 4d. Thus, taking the average of the rates in the counties where the system prevailed, and that of the other counties he had mentioned where it did not, it appeared, that the poor-rates on the latter were not quite equal to one-fourth of what they were in the former. And independent of this great difference in the rates, the difference in the comforts and happiness of the poorer classes of the two districts was most striking. It was now generally admitted that, in proportion as the wages were good, so would be the conduct of the labouring classes. The system of reducing the rate of wages to the lowest possible grade, had done more to demoralize and corrupt the lower classes of this country than all other circumstances together. The only way to remedy the evils which prevailed in the southern parts of England was, to restore the peasantry of those parts to the same condition of independence as the peasantry of the north, to go gradually back to the original administration of the Poor-laws, and let the labourer work out his own independence. The gentlemen of England were interested in the highest degree in promoting any measure for the amelioration of the condition of the peasantry, and, unless effectual steps were taken, not only would the poorer classes continue to suffer from privation, but the higher and middle ranks of society would also be materially injured. A subject of greater importance than the present,

namely, the removing the abuses of the Poor-laws, and the promoting the welfare of the labouring classes, could not be pressed upon the attention of the Legislature. He rejoiced, therefore, that the hon. member for Aldborough had brought forward his motion, and although he did not agree in all points with him, he should be happy to give his humble assistance in any endeavour to remove those evils and errors in the administration of the Poor-laws; and this might be done by returning to the Poor-law in its original enactments and in its spirit.

Colonel *Torrens* was understood not to offer any opposition to the introduction of the Bill. He would not follow the hon. member for Aldborough through the details of his plan, for he thought it would be as useless to discuss the causes of, or the remedies for, the distresses of the labourers, with a Gentleman who disclaimed all knowledge of the science which treats of the condition of the people, as to argue about grammar with the professor who should avow his ignorance of the theory of language, or about an operation in surgery with a man who boasted his contempt for the study of anatomy. The hon. Member seemed to imagine that he had made a valuable discovery in the laws which regulated the increase of the human species, and which he appeared to think should be compared to the discoveries of a Galileo or a Newton. The hon. Gentleman had found out that a small population would increase much more rapidly than a large one; that was, that 200 persons would increase much more rapidly than 400. He certainly could not compliment the hon. Member on the result he had arrived at, for, had he extended the analogy a little further, he would have arrived at a most extraordinary conclusion. He did not intend to offer any opposition to the introduction of this Bill, but he certainly should, if it were persisted in next Session, endeavour to point out some of the inconveniences that would result from many parts of it.

Mr. *Briscoe* felt called upon to make a few observations on this subject, to which he had paid considerable attention. He was not unfriendly to the principles of political economy, but they had been erroneously applied to the present question. Many who were most anxious to improve the condition and add to the comforts of the labouring population of this country,

were opposed to the proposition for giving small detached portions of land to the peasantry, on the ground that it would tend to multiply and increase their number. Now, as far as his experience went, and his knowledge was more of a practical than of a theoretic nature, the result was of a directly contrary description. In proportion as the comforts of the labouring classes were increased, they were made less reckless of the consequences of their conduct; and a spirit of industry was excited, and the desire which was so fruitful in man, of bettering his condition, was increased. In what country in the world had population increased more rapidly than in Ireland? And had not that arisen from the dependence and low condition of the peasantry, who were aware that, by no exertions of their own, could they better their condition? Although, therefore, he could not give his approbation to all the plan of the hon. Member, he should be most favourable to any proposition for apportioning small pieces of land to the cottages of the labouring poor. The system of paying wages out of the poor-rates had had a most pernicious effect upon the morals and character of the peasantry of the parts of the country in which it had prevailed. He held in his hand the reports of the Overseers of two large parishes, situated in the county which he had the honour to represent, of the state of the poor in those parishes. He should like to be in possession of such documents relative to the condition of the labouring classes in all parts of the country; for, by means of the information to be derived from such papers as these, the Legislature would be able to arrive at a much more correct conclusion than it now could do as to the real state of the people. He had received a number of similar reports from the Overseers of other large parishes in the county of Surrey, and they all confirmed the conclusions he derived from them. In the first of those parishes there were between ninety and a hundred married, and between fifty and sixty single labourers; the number of persons receiving relief from the parish in winter was fifty-five; and of these, forty were constantly dependent on the poor-rates for support. The amount paid in poor-rates was, in summer, about 30*l.* a month, and in winter 50*l.* In this parish there were from ten to fifteen labourers who had small pieces of land annexed to their cottages. In the other parish the proportions in every respect

were higher, and the condition of the labouring classes was worse, and there was this additional circumstance, that in not a single instance was a portion of land annexed to the cottage of a poor man. Not only the happiness and well-being of the peasantry would be promoted by a measure, having for its object the allotting small portions of land to the agricultural labourers, but also the landowners and farmers would be gainers in the great improvement that would take place in the morals and character, and habits of industry, of those classes. He regretted that the bill which was introduced by the Duke of Richmond into the other House, relative to the condition of the poor, and which was now on the Table of this House, could not be passed into a law before the prorogation. He regretted that the laudable example of the Sussex landowners, who entered into associations for the purpose of giving small portions of land to the peasantry, and for other measures to improve the condition of the poor, had not been followed in other parts of the country. He trusted that the example would not be lost on the gentry of the county he had the honour to represent, and he was determined to give his best exertions to form such associations in those districts with which he was connected. He was convinced that this object would be much better effected by private arrangement amongst country gentlemen, than by any legislative enactment. It was most painful to the Magistrates to have continual applications made to them by able-bodied labourers, both married and single, who were both able and willing to work, but, notwithstanding all their exertions, were unable to procure it. If each family were allowed a small patch of land, parishes would be exempt from those distressing cases which were now continually occurring. He trusted that effectual steps would be taken without delay, and that a large distribution would be made of land, which was at present uncultivated, to the agricultural population of the country. If active measures were not taken at once, the whole character of our peasantry would be deteriorated, and only a multitude of paupers would remain.

Mr. *Estcourt* was anxious something should emanate from Government, to show to that class of the people to whom allusion had so eloquently been made by the hon. Mover, that the Government was

desirous to alleviate and remedy, in part, at least, the effects of a highly injudicious system of dispensing the Poor-laws in the south of England. The subject was one which must at last be taken up by Government itself. The measures of Mr. Sturges Bourne had done much at the time; but Government must again interfere, and that shortly. He was grateful to the hon. Mover for the attempt to introduce the Bill he had described, and prefaced with so eloquent a descant on the acknowledged inconveniences and sufferings of the labouring poor; and though it was too late to expect the Bill should go through the House this Session, the introduction of the subject could not fail to be productive of benefit to this most interesting class of the people.

Mr. Scott expressed his approval of the measure proposed by the hon. Member, and said he was of opinion that, unless something were speedily done to relieve the sufferings of the poor, evils very affecting and serious in their consequences must soon occur. He regretted that this measure had not been made to occupy the attention of Parliament at an earlier stage of the Session; it would then have been received with more satisfaction, and obtained a degree of attention more commensurate with its importance.

Mr. John Campbell, in answer to an observation which had fallen from the hon. member for Aldborough (Mr. Sadler), said, that the maxim which had been quoted from Lord Bacon—namely, that in all alterations of the allotments of land, the rights of the people should be carefully preserved—was strictly attended to. Those rights had been most sacredly attended to in all Inclosure Acts. If what the hon. member for Aldborough had stated were the fact—if the poor were oppressed and deprived of their rights under those Acts, then, surely, the hon. Member ought to become a Reformer in order to assist them in recovering that of which they were said to be unjustly deprived. Where a man possessed a little garden, or had the privilege of depasturing a cow, here he admitted there was a right which ought to be protected: but he would ask, when gipsies took up their residence on a common, to the annoyance of the surrounding neighbourhood, did their sojourn give them a right which ought to be protected? In different parts of the country an idea prevailed, that if a hovel were erected and a fire

lit in it, the individual who performed these acts obtained a right to the soil. But such a principle was wholly contrary to law, and its fallacy ought to be generally known.

Mr. George Robinson entirely approved of the proposed measure. It related to a subject which, though so long in making its appearance, was of great interest and importance to every Gentleman in the House. He had no doubt the hon. Gentleman would obtain his Bill; he hoped he would, and he trusted that at an early stage of the next Parliament, the Government would take it into its immediate consideration, and propose such amendments as were necessary; for he did not think the measure of the hon. Gentleman likely to supply more than a very partial remedy to a very general evil. That something ought to be done, and that speedily, the House must agree with him. No situation, of any amongst the most unfortunate of human beings, was more pitiable than that of the poor honest man, who was willing and anxious to work for his bread, but was forced to submit to the degradation of subsisting in idleness upon a pittance below that of felons. The poor deserved the attention of that House, and that House was bound to afford it them. Before he concluded, he wished to call the attention of the House to a circumstance which he must consider a reproach to them. It had long happened that in this House the attention of the Members of the Government was engrossed, until nearly the close of every Session, by some one great measure, which left them neither time nor energies sufficient to enable them to proceed with matters even of the most vital importance to the interests and well-being of society. He hoped, however, that early in their next meeting the Government would take into consideration some comprehensive and complete measure for the relief of the present great hardships under which the poor were labouring.

Mr. Daniel Whittle Harvey said, that when the hon. and learned member for Stafford stated that no inclosure bill was passed which did not contain a provision to protect the rights of the poor, the hon. and learned Member forgot to state how that provision was carried into effect. There was, in each inclosure bill, an enactment, imposing on the Commissioners the duty of dealing with the property. They were either to let out the property itself, or, if it was sold, they were to in-

vest the money produced by the sale in the public funds. Still it was true, that the rental derived from the one course, or the interest which accrued from the other, was misapplied. Many individuals, who had claims upon property of this kind, were, at the present moment, receiving little or no benefit from it. The amount of the rental, or of the interest were not given to those who were struggling for independence—who were anxious to escape from being placed on the parish books. It was carried to the general fund, to relieve the landed proprietors, instead of being granted to those to whom it really belonged. Against the advance of money by Government there were a thousand reasons, political and fiscal. Little benefit could be derived from the advance of 100,000*l.*, which, in its commiseration, the public might be willing to grant; but immense good might be effected by pursuing the inquiry which was now going forward, and which, he hoped, would rescue millions of money, applicable to the relief of the poor, from the situation in which it was at present placed. The hon. member for Oxford had regretted that, even in the present Session, a measure had not been brought forward to soothe the feelings of the people. Such a measure had been brought forward—such a measure would be again brought forward—he spoke of the measure of Parliamentary Reform, which was, as regarded the people of this country, infinitely more powerful and infinitely more beneficial than any measure on the subject of the Poor-laws that had ever emanated from either side of the House.

Mr. Hunt felt greatly indebted to the hon. Member who brought forward this subject. He totally differed from the hon. Member who spoke last, for he was of opinion that this subject was of much more importance to the people than the Reform Bill. It was a delusion to hold out that the poor would derive any benefit from the Reform Bill. He was sure, that even the anticipation of such a measure as that now proposed would give comfort to the people. He had received a letter last week from a clergyman in the country, stating, that in his parish there was a family consisting of twelve persons living in one apartment, thirteen feet square; a man, his wife, two daughters and their husbands, and six children. Was there anything so miserable as that even in Ireland? It was to be lamented that the hon. Member

should have had the mortification of addressing his excellent speech to a House not containing many more than fifty Members. If the Slave-trade had been under discussion the benches would have been filled, but the condition of the peasantry of England excited little sympathy. If his Majesty's Ministers had sent down Commissioners to inquire into the cause of the burnings instead of inquiring into the boundaries of boroughs, they would have saved hundreds from transportation. The poor were driven to thievery and roguery by the bad treatment which they have experienced. He begged to call attention to some regulations made in the year 1822, in the county of Wilts, and which demonstrated that the agricultural labourers were then in the most wretched condition. The allowance for a labouring man, his wife and two children, was from 4*s.* to 5*s.* 6*d.* a week, or a gallon of flour and 4*d.* per head were allotted to those persons, according to circumstances, and thus were these unfortunate people left without lodging, clothing, or fuel, and nothing given them but a bare allowance of bread, not equal to half the allowance given to a felon. Where the children increased in numbers, the allowance per head was reduced. Was it then a matter of surprise, when starvation had driven these people to madness and despair, that they looked upon their landlords with enmity and upon the operation of the laws with horror, and that the public should not consider themselves safe from the re-action of such deplorable circumstances? He thought the great danger to which the country was exposed, arose from the situation and condition of these people, and he hoped that something efficacious would be done to remedy it.

Sir Thomas Baring said, the document alluded to by the member for Preston never regulated the price of labour in the county of Wilts. The only object of these regulations was, to make some provision for the surplus unemployed population. The wages at the time they were made were 8*s.* or 9*s.* a-week. The hon. Member was mistaken in supposing that such regulations gave rise to the late disturbances in Hants. He went, as a Magistrate, for the purpose of dispersing one of the meetings, and arresting some of those concerned. The meeting consisted of 1,500 persons, most of them fellow parishioners of his, and there was not one of them out of work, and not one who had



not a good cottage. In fact those were most forward at the meeting who were best off. One of them, the leader in breaking his machines, was a carpenter who had worked for him twenty-five years, and never earned less than 25s. a-week. His gardeners also, who had good wages, left their work and joined the rioters. When asked afterwards what their reasons were, they said they could give none—that it was insatiation. That was sufficient to show that the disturbances did not originate in the cause mentioned by the member for Preston.

Mr. *John Weyland* begged also to return his thanks to the hon. member for Aldborough for the manner in which he had brought this subject forward. He was persuaded that he had not exaggerated the miserable condition of the labouring classes in England. It was such as every humane man must deeply lament. No doubt much of the misery of the poor arose from the altered state of society, by our becoming a manufacturing from an agricultural country. He fully agreed with him, that it was the absolute duty of the Government to endeavour, if it could, to restore to the poor man his former advantages either in substitute or in kind. His hon. friend proposed to restore them in kind, and he went with him to the full extent of his wishes, although he must confess, that he did not think his measure would effect all the relief he anticipated. The poor man could never be comfortable unless there was full employment for his labour. He carried to market a strong arm and a willing mind, and expected in return a comfortable subsistence. The only effectual remedy, then, for the distress of the poor man was, by a proper system of legislation, to encourage the capitalist to employ him to a greater extent than he now did. No pains bestowed on this subject could be bestowed in vain; for any improvement in the condition of the labouring classes was not merely beneficial to them, but highly advantageous to all the higher classes. What induced him as much as anything else to vote against the Government of the Duke of Wellington, nearly as much, perhaps, as his refusal of Reform, was, although he came there inclined to support him, the answer of the right hon. member for Tamworth, when asked whether it was intended to institute any inquiry into the condition of the labouring classes, he answered that question by saying, that nothing could be

done—that they should only embarrass themselves—and that it would be useless to excite expectation. That was not the answer that ought to have been given. The present Government had come into office under a pledge that they would inquire. But it would be unreasonable, fully occupied as their time had been by the Reform Bill, to expect that they could now bring forward a well-considered measure. They were about, however, to have a period of repose, and he doubted not that they would turn their minds to this subject. It was most essential that they should do so, for he was satisfied that the consequence would be dangerous, if some effective measure for the relief of the lower class was not brought forward.

Mr. *Attwood* stated, his hon. friend did not say, that it was the design of the hon. member for Aldborough to inflame the people; but he did say that his speech had a tendency to do it. If there could be a speech calculated to convince the poor that a careful regard to their interest and rights was had in that House, it was the speech of the hon. member for Aldborough. The hon. and learned member for Stafford denied the legal existence of the rights of the poor; he who asserted those rights was charged with exciting the people to discontent, instead of that charge being laid upon him who denied them. This was a subject of great and paramount importance—of an importance infinitely superior to that upon which this House had been so recently and so long engaged. He could not refrain from expressing his satisfaction at witnessing the House of Commons, at length, resuming its proper duties and its proper business—that of inquiring into the situation of the people—that of looking into the state of the country. If that state was such as it was described to be by the hon. member for Aldborough, by the hon. member for Preston, by the hon. Member who spoke last, and such as no one had denied it to be, it presented a scene of misery, suffering, degradation, pauperism, and crime, which could not long exist with security to any interest. This was the real subject of paramount importance, for although the other was described to be so, it was not a subject peculiarly adapted to the present state of the country, or which, in the present emergency, could relieve existing distress. He did not intend to open afresh the debate on Reform; but taking the late Bill to be all that was said of it by its

friends, would it have relieved the people? Yet were the people labouring under a dangerous delusion in that respect, which it became every honest man in that House, of whatever party he might be, to endeavour to dissipate. Would any man say, that that Bill could have relieved the distresses of the poor, or indeed, have been of service to any man? No, it was useless. If the state of the people was such as was described, ought the exclusive labour of the House of Commons to have been directed to a speculative system of improvement, which at some future period might be of benefit, but which could not affect the existing generation? Whilst they were discussing the speculative improvement, the present generation might die of famine, and that which was to come to enjoy the benefit of this improvement, be bred up in pauperism and in crime. In the course of the Debate of last night it had been said, that the people were under the guidance of dangerous leaders, and that the remedy was, for hon. Members to become the leaders of the people. No doubt they should be; but what was the method pointed out by which they were to become so? By telling them that they might have confidence in the Representatives of fifty counties and of all the great towns. But were men, whose children were perishing for want of bread, to reckon the counties that sent Representatives to that House, which had exhibited a spectacle of non-attention to their crying sufferings rarely seen? If the House desired to lead the people, and have their confidence, it must inquire patiently and deliberately into the causes of their distress, and make that their first business. One of the expressions of the Prime Minister, when he first came into office, was, that an hour should not elapse without an inquiry being instituted into the condition of the people, with a view to their relief. They ought to inquire till the means of relief were found, or till they had the melancholy satisfaction of determining that the cause of the evil was beyond their reach. That was the course by which they might assuage the troubled waters of discontent. He did not despair that, the debate of that night, exhibiting to the people, as it would, the spectacle of the House of Commons engaged in an inquiry suggested by his hon. friend, in a speech full of philanthropy, eloquence, and philosophy, would go far to convince them that the House cared for their interests, and would go a

thousand times further than the Debates which had lately excited and agitated hon. Members as well as others.

Sir Charles Wetherell thanked his hon. friend (Mr. Sadler) for the motion he had brought forward. He did not, however, blame the present Government for not originating it. He hoped his hon. friend would persevere, and not resign the subject into other hands. No man was more capable than himself of prosecuting it with success. Let the House and the country bear in mind, that while the borough of Aldborough, the unfortunate nomination borough, was hooted and hunted down—while the Government and the House of Commons were wasting four or five months in barren speculation, his hon. friend, who represented that calumniated borough, was employing his weeks and months in laborious and diligent inquiry, to prepare himself for bringing forward this important Motion. He defied them to show any county Member, any Member for a town, however large, who could surpass, or even equal, his hon. friend in the industry, the ability, the information, the resources of heart or understanding, which he displayed on this occasion. The hon. Baronet (Sir T. Baring) told them, that some of the misguided men concerned in the recent disturbances, when asked their reason for taking a part in them, said they did not know—that they were infatuated. It would, ere long, be the same with Reform; and when those who were now so strongly excited should be asked the cause, their answer would be the same—they did not know what they were doing—they were infatuated. The agitation they had witnessed for Reform arose somewhat from the same spirit that exhibited itself in the more formidable risings of last winter, and as then, when asked the cause of this dissatisfaction, the same negative answer would be given by the people. They knew nothing of the advantages they would obtain from Reform. They were perhaps in want of bread, perhaps in want of clothing; they were perhaps in deep distress, and for these evils, his hon. friend the member for Aldborough proposed an efficient remedy; but the Ministers, whose business it was to remedy these evils, were hunting after the applause of noisy political assemblies, and they only proposed to cure hunger and cold, that the Parliament should be reformed. To the people, Reform could be of no use, and in fact, they would be as satisfied by the

loss of the Reform Question, as they would have been by gaining it. It was a great injustice to accuse his hon. friend of an intention to cause a rising amongst the people. It was not usual for Tories like his hon. friend, for the Representatives of these decayed and scanty boroughs, to disseminate in that House, or elsewhere, opinions on the subject of the comforts of the poor, in such a manner as to be chargeable with spreading anything like dissatisfaction; that was not a Tory vice. That, however, was the only defect the hon. and learned member for Stafford was able to find in the plan of his hon. friend. With respect to his objections to his hon. friend speaking of the rights of the poor, he must beg to inform the hon. and learned member for Stafford, that he did not use them in the strict and narrow sense in which they were interpreted in Maule and Selwyn's reports; or, according to the definition that would be applied to those rights in the Court of King's Bench. His hon. friend spoke of the rights of the poor in that civil, political, moral, and religious sense, in which they must always be spoken of in every civilized community. He did not say, that those rights had been invaded by the system of inclosures, but he did say, that if in its progress more attention had been paid to the practical amelioration of the condition of the poor, they would not have been in the state they now were. The hon. member for Colchester had truly observed, that there had been cases where the possession of land ought to have been specifically and directly secured to the poor. He did not propose to enter at large into all the topics introduced by his hon. friend, but he was of opinion, that the two main principles he had contended for, had been completely established by him. It would be a great advantage to cheapen the cottages of the poor. They were fifty or perhaps 100 per cent too dear. This, with a small allotment of land, would be a great benefit. The rights of the poor ought to be better secured in all future inclosures. Let it go forth to the public, and let it be remembered, that often as the Duke of Newcastle's name had been heard in that House, bandied about from one hon. Member to another, and by some members of the Cabinet too, vilified, cried down, reverberated as it were from the depths of Cacus's cave, as the owner of the nomination borough of Aldborough—let it be remembered, that

while Government could spare no time from their speculations to attend to this philanthropic plan, it was digested, prepared, and ably brought forward by the member for the close borough, the rotten borough, of Aldborough. When the tumult and agitation now excited by those who called themselves the friends of the people had ceased, when the people were allowed to take breath and reflect a little, they would inquire, not who represented the largest town, who had the most constituents, but who brought forward plans most likely to prove beneficial to the country.

Mr. Paget said, the true source of the evil was, the want of capital, without which the working classes could not possibly have adequate employment. Now, the Question of Reform came directly home to this point, for what caused the want of capital but the overwhelming load of taxes laid on by those insatiable monsters, the boroughmongers? To this it was owing that the poor-rates, which in the time of George 3rd were only 700,000*l.* had increased to 7,000,000*l.*

Mr. Sadler wished to notice a few of the observations which had fallen from the hon. member for Leicester, without mingling political considerations with a subject it was most desirable to keep clear of. With respect to the hon. Member's statement of the amount of the poor-rates at the beginning of the reign of George 3rd, did he not know, that the returns upon which he founded his assertion were acknowledged to be inaccurate? It was matter of historical notoriety that they were, at the time they were made, thrown aside as utterly useless. There was, however, a document drawn up in the reign of Charles 2nd, by a man of great talents and industry, from which it appeared that the poor-rates then amounted to 800,000*l.*, or half the revenue of the country. He would challenge the hon. Member to deny the fact, that the cost of sustaining the poor had, in reference to every other branch of expenditure since then, constantly exhibited a diminishing ratio. Since our returns upon this subject had been more perfect, this fact had been clearly established; and it appeared from them, that every individual who now paid 9*s.*, a few years back paid 13*s.* He would cast no reflection upon true political economy, but upon that spurious political economy which laboured to deteriorate the condition of

the poor, which constantly attacked the feelings so beautifully described by the hon. member for Colchester, which sought to abridge the rights and privileges of animal existence, whilst it protected the rights of the rich. That sort of political economy he should always attack. As to his having obtruded any theories of his own upon the House, he could only say, that he had never done more than refer to matters of fact, which were open to all alike. He was to be set right, as the hon. and learned member for Stafford thought, on a point of law; but he conceived, notwithstanding that hon. and learned Member's illustration of legal technicalities, that he was right, and the hon. Member wrong. He spoke the language of the highest law authorities—not his own. None of the facts he had brought forward had been impugned. It could not be denied, that the ploughshare now made its way where once stood the bower of content, the site of which was now only marked by a few flowers twining up the fence, memorials of humble domestic happiness. It could not be denied that, in many instances, the poor had no habitations in which to dwell. How could the expense of erecting them be objected to, when the rental of the village, which the clergyman he had referred to mentioned, was 700*l.* a-year? Four or five additional cottages would make all the difference between each family having its own dwelling, and several now living together in that crowded state, which always rendered decency, and sometimes even morality, impossible. The cost of building these cottages, compared with the amount of happiness they would occasion, was so small, that he could not think the Government or the country would refuse to grant the trifling boon now asked. They must remember how large a portion of the revenue of the country came from the poor, before they thought a trifle like this too much to grant them. Something was said by the hon. member for Leicester about the poor being rendered comfortable, only through the means of high profits to the manufacturer and agriculturist. He would ask him whether, during the latter years of the war, agriculture was not prosperous? Yet, in the report on labourers' wages, it was found, that it was at this very time, when the returns on agricultural capital were so large, that the pernicious system which now degraded our labourers took its rise. If they must wait before they

were to do anything for the poor till those prosperous times returned again, they must never look forward to doing anything for them at all. The capital wanted for his plan, they had already. He wanted sinews, muscles, and hearts willing to work. These they had, and, by a proper use of them, the produce of the country might be increased, and the character of the whole empire improved. The importance of this plan was underrated by hon. Members. Let them consider the numberless individuals who would be benefited, the happiness that would be diffused, and the improvement that would be occasioned by it, and he was sure its importance would be increased in their eyes, and the difficulties in the way of its execution vanish. He regretted it should have been thought that he had said anything to irritate the feelings of the country. Such was far from his wish; but the agitation which had been occasioned by the present distress could not be calmed without going at once to the bottom of it. The surface of society might be calmed, but the mass of suffering and of distress beneath would heave, and, if not counteracted, lay prostrate all existing institutions. He regretted to hear, since he had entered the House, that the fires were rekindling. He hoped it was not so; but to prevent it, let them make haste to kindle other flames, namely, the flame of gratitude in the bosom of the poor. Let them be told, that their situation was known, and that the House was anxious to afford them relief. Let them be taught again to entertain feelings of respect and affection towards their superiors—feelings which, he must do them the credit to say, he believed they were anxious to renew. In the statement he had made he had much curtailed what he had intended to say; but temporary indisposition, and fear of the House becoming impatient were the cause of it. He had intended to bring forward the plan in the last Parliament, but the pressure of other business had prevented him from doing so. He now begged to thank the Chancellor of the Exchequer for his kindness in allowing him to introduce this measure, and the House for the patience with which it had listened to him.

Leave was then given to bring in the Bill.

ACCOMMODATIONS IN THE HOUSE OF COMMONS.] Colonel Trench, in bringing

up the Report of the Committee for the improvement of the House, observed, that the bad state of the atmosphere, and the exposure to unequal draughts of air had already caused the death of several hon. Members in the course of this arduous Session. He had to state, that three architects had been consulted—Sir Geoffrey Wyattville, Mr. Benjamin Wyatt, and Mr. Smirke. He would first state in what they agreed, then in what they differed. They all agreed, that the accommodation in the House at present was altogether inadequate to the number of Members, and that two feet was the least space which ought to be allotted to every Gentleman who had to sit for a number of hours. He had admitted, that in the theatres a space of not more than eighteen or twenty inches was allowed. In the House, as it then stood, there were only 700 feet of accommodation; therefore, only accommodation for 350 Members. Now, Sir Geoffrey Wyattville's plan was, on either side to open a recess between the piers of thirty feet, and to cover it with a flat roof, which should not in the least interfere with the building as it then stood. These recesses would afford accommodation to 140 Members. But he considered the plan liable to objection, inasmuch as Mr. Speaker would have great difficulty in seeing hon. Members in those remote recesses; and they would find it scarcely possible to make themselves heard by all the House. Mr. Benjamin Wyatt's plan was, that the House should be projected into the Lobby, and that beyond that another and more extensive Lobby should be constructed—a plan to which he himself inclined, and to which all persons who voted on the late division must, he should imagine, feel well disposed. By this addition to the House there would be accommodation afforded for 100 more Members than at present. According to the usual allowance of eighteen inches space for each person, there would then be in the House accommodation for 590 Members, and for 450, at least, that ample space in which a man of ordinary dimensions might sit, in a comfortable position, for a number of hours. The plan of Mr. Wyatt he considered might be carried into effect at a small expense. His estimate was 344*l.*; Mr. Smirke's was 350*l.*; and he thought this plan would give all the accommodation required. The next points to be considered were hearing and ventila-

tion. The first might be materially improved by the construction of a new roof framed and lined with wood; and by the adoption of the ordinary measures, the ventilation might be made infinitely better. These improvements might be effected without any essential alteration in the form of the apartment, for which he had the greatest veneration. Interruption, too, to the Speaker might be avoided according to Mr. Wyatt's plan, by constructing a passage round the apartment, from which doors should open upon every gangway; so that an hon. Member, in taking his place, need never pass over the floor of the House. Nor need there ever be that accumulation of Members at the bar, which now gave rise to such noise and interruption to the debate. The alterations would afford increased accommodations to the Members, would increase the size of the House, would enable them to have a better ventilated, would improve the hearing, and facilitate the means of communication from one part to another, and all this would be performed for the sum of 6,900*l.* This statement was exclusive of the roof, which would make the sum amount to 10,000*l.* In making the statement, he was bound to tell the House that the Committee appointed to investigate this matter had not agreed with him, and that the Report he had made as their Chairman was of course made according to the wishes of the majority, but his own opinion remained the same as before. The gallant Colonel then proposed that at the beginning of next Session the Committee should be renewed, and should receive at the same time instructions as to which of the plans they should adopt—that of altering the House in the way he proposed, or that of building another, as was suggested by the Committee. He moved that the Report of the Committee be received this day three weeks.

Mr. Hunt said, that he thought that something ought to be done directly to remedy the inconvenience which was felt from the west window when the wind was blowing in that quarter. He also suggested, that as many hon. Members had their boots shod with iron, and frequently walked or rather trotted, or rather went in a bog-trot amble across the House, a carpet should be put down to diminish the noise.

Colonel Sibthorp said, that one observation made by the gallant Colonel in-

duced him to say a few words to the House. They were told that this proposed plan would improve the hearing. He should be glad of that, for it was often said, that members, and he for one, could not be heard; it was so said by the corrupt, hired, and perverted Press. He stated that without fear of what might be said respecting him by that corrupt Press. He had asked for better accommodation for the reporters, who now made excuses for not hearing. All he asked was, not to be misrepresented. He desired the House to consider this subject attentively, and unless they were satisfied that the proposed alteration would be sure of producing the expected advantages, he should, for one, say, that he should be more willing to lay out 60,000*l.* for building a new House, than to expend 6,900*l.* for alterations that might not be sufficient.

Sir J. Wrottesley stated, that the Committee, after carefully examining the subject, had come to a conclusion the opposite of that adopted by their hon. Chairman. He himself was perfectly convinced that, if they attempted to make the proposed alterations, they must expend a much larger sum without obtaining adequate accommodation, and that in every respect it would be better to have a new House.

Mr. Warburton said, there was one attempt they ought to make, and that was, to alter the mode of getting fresh air into the House. He understood that they were now at a great expense to pump in fresh air, as it was called, but the chief place from which that fresh air was obtained, was one from which the air sent into the House, at the spot near which he sat, was most mephitic and offensive.

Colonel Cust hoped, that something would be done to remedy the present acknowledged inconvenience of many of the offices attached to the House.

Mr. Croker fully agreed with his gallant friend who had introduced this question, that the further consideration of the Report ought to be postponed for three weeks; for, as within that time the prorogation was likely to take place, it would amount to an entire postponement. He was, indeed, a little surprised and disappointed that an hon. Member, with whom he had had the pleasure of voting for the last six months, should now appear as the advocate for reforming this House, and should begin his advocacy by proposing, like the Radi-

cals out of doors, to remove the piers. He must oppose him in this Reform, as he had opposed others in one of a political kind, the object of which was also to remove the piers. His hon. and gallant friend had told them, with an odd combination of expressions, that no man could sit comfortably in that House without "two feet;" and had proceeded to calculate their seats by "running measure." This was, indeed, a Reform on fundamental principles, and might not be without its advantage if they saw any prospect of such a union of parties as would form a broad-bottomed Administration. But he thought, under present circumstances, it would be fitter to argue the case *à priori*, and consider whether they were not very well as they were. It was a remarkable instance of the blindness with which one favourite object or theory will affect the clearest intellects, when his hon. and gallant friend chose this particular moment to produce his proposition for the enlargement of the House. They had last night agreed to a measure that was equivalent to a diminution of the numbers of the House, and on that, the following night, a scheme was offered to them for rendering it capable of containing a larger number of Members. The hon. Gentleman apparently forgot that this House, which had so long been found tolerably convenient for 658 Members, must surely be large enough for a much smaller number. It had been said, that they had not room enough for hon. Members; but the benches were seldom fully occupied, and certainly a greater number of Members could not be expected to attend when the numbers of the House were reduced. On this occasion, which concerned them all, they had but a scanty attendance; it was, therefore, clear, that it was not places that they wanted. He did not blindly reverence the mere antiquity of the edifice; but he could not forget that it was the place in which the Cecils and the Bacons, the Wentworths and Hampdens, the Somers's and the St. Johns, the Walpoles and the Pulteneys, the Pitts, the Foxes, the Murrays, and the Burkes, had "lived, and breathed, and had their being." He did, he confessed, however weak it might appear to the strong-minded Reformers of the day—he did feel the influence of the *religio loci*; and as long as the human mind was susceptible of local associations, he could not disregard the beneficial effect that might be felt from their continuing to assemble on the scene

where so many illustrious actors had performed such splendid parts. If patriotism could grow warmer on the plain of Marathon, and piety amid the ruins of Iona, the zeal and talents of British senators might also be exalted by the religious and legislative sanctity with which time and circumstances had invested the ancient chapel of St. Stephen.

The hon. Member complained of the disorderly assemblage of Members about the bar during a full House: it happened rather unfortunately for this argument, that while the hon. Gentleman was speaking they were repeatedly compelled to call upon hon. Members to take their places, and to cry out "Bar! Bar!" although there was sitting-room for 250 Members vacant at the moment. It was not places for seating an audience that they wanted, but the power of commanding attention. He was sure that those who had attended to the Debates in that House would agree with him, that whenever a Gentleman rose to whom the House was desirous of attending, he had always the power of making himself heard. He doubted whether any architectural alteration that could be made would ensure either the attention of the House when it was not disposed to listen, or the power of any Member of commanding that attention. Another grievance alleged against the present House was, the narrowness and inconvenience of its benches; but he was inclined rather to admire the House for the peculiarity of its benches; for he knew that if they were uneasy to sit upon, they were still less formed to gratify the propensity which their speeches might occasionally produce, as it was almost impossible to sleep upon them. They knew from the example of Eutychus, that a greater orator than even that House had ever produced, had occasionally set some of his auditory asleep: and, even in this short Debate, the House might see that no additional convenience was necessary to invite hon. Members to repose [*one or two Members were observed to be asleep on the back benches.*]

Another part of his hon. friend's proposition was, to afford wider gangways, and greater facilities of moving about. But he doubted whether that would turn out to be any material advantage, as, at present, many hon. Members kept their places from an indisposition to disturb their neighbours; and were sometimes induced to attend to a, perhaps, tedious

duty, and listen patiently to a debate from which, with easier means of egress, they probably would escape. With the facilities which his gallant friend's plan proposed, they would continually have Gentlemen of locomotive habits moving about, to the obvious interruption of the business of the House and the country. The Irish House of Commons and the French Chambers, which were built according to all the rules of architecture and all the theory of acoustics, were the worst constructed buildings for hearing that was possible, while the English House of Commons, patched and pieced as it was, contained nearly all the advantages a Legislative Assembly could desire. They might make a building as large as Westminster Hall without ensuring attention, for that depended on the speaker and his auditor, and not on the place. He therefore did not think it would be necessary to enlarge the House, though there were some parts of its interior to which the attention of the Board of Works ought to be directed. He should, on the whole, oppose the further consideration of this subject, which he thought quite needless to be introduced at this moment, and which he did not believe could at any time be beneficially arranged on the principles proposed by his hon. and gallant friend.

Colonel Trench said, he was particularly unhappy that the right hon. Gentleman had made him the subject of his wit and sarcasm. He was utterly unable to follow the right hon. Gentleman in these respects. He was afraid that he had made a statement which the right hon. Gentleman could not understand.

Mr. Croker said, he should feel very sorry if his hon. friend supposed he had meant any personal offence to him; on the contrary, he had the greatest respect and regard for him, and was perfectly aware of the purity of his hon. friend's taste in architecture. All he had ventured to suggest was, that the building they then possessed, notwithstanding many apparent defects, was, in fact, admirably fitted for the great purposes for which they assembled in it.

Motion agreed to.

**BANKRUPTCY COURT BILL.]** The Attorney General moved, that the Bankruptcy Court Bill be committed.

On the question, that the Speaker leave the Chair,

Mr. *James L. Knight* rose reluctantly to address the House on a subject of such great importance at so late an hour of the night; but he was obliged to do so in consequence of the determination of his Majesty's Ministers to submit a measure of this importance to the consideration of the House at that period of the Session, and at so late an hour. Before he proceeded to make the observations with which he should have to trouble the House on the present occasion, he wished to guard himself against being misunderstood upon two points. In the first place, he desired anxiously not to be understood as considering or treating this as a party question. It was a question of great importance as affecting the general administration of justice, and he should be ashamed of himself if he could be actuated by any other motives than those which ought to influence a man in the consideration of such a question. He would take this opportunity of saying, that if he considered the present measure as one calculated to advance the interests of the community, with reference to the subject to which it related, it should have his humble support from whatsoever quarter it might come. He was also anxious not to be understood as contending, that the present state of the bankrupt-law was one that might not usefully receive some alteration. He agreed with all, or almost all, of those who had considered the subject, that there were several points in which this branch of the law, as well as most branches of it, might usefully receive some alteration. Admitting, therefore, that there might be points in which the bankrupt-law of the country might receive useful alterations, the question was, whether the Bill now before the House, would produce that alteration which was called for, and whether legislation, to the extent proposed by this Bill, could be usefully adopted for the general benefit of the community. He certainly felt some regret at the manner in which this subject was treated by his hon. and learned friend, the member for Winchelsea, and by the hon. and learned member for Newark, neither of whom, treated the subject in that tone of moderation and temperance which the nature of the question required. The hon. and learned member for Winchelsea, during the observation which he addressed to the House on this subject, repeatedly diverged from his course, for the purpose

of making general observations, tending to the depreciation of that important Court, of which bankruptcy was a separate jurisdiction. He did not wish to allude more particularly to those observations because they were foreign to the matter then in hand. But whenever the question should arise to which those observations should be relevant, he should be quite ready to meet that hon. and learned Gentleman, if possible, to concur with him; and, if differing, to state the reasons on which his opinions were founded. The hon. and learned member for Newark went, if possible, a great deal further, because he thought himself warranted in saying, that the present system of the Bankrupt Laws was one which received the general execration of the public. How his hon. and learned friend, speaking from the very heart of the House—speaking, to a certain extent, as the organ of Government, could bring himself so to characterize the whole system of commercial law, which it was very possible might remain unaltered, in its present state—how he could bring himself to make such a declaration, he was at a loss to conceive. It might be very well to make such statements when something like proof could be brought forward to support them; it might be very well to state facts of any kind; but to speak thus of a system which had grown up and gradually improved under the superintendence of the first and best men that had ever sat on the bench in this country—to speak of such a system as a subject of general execration, was something far beyond what he ever expected to hear in that House, and certainly far beyond any observation he ever anticipated hearing from the hon. and learned Gentleman himself. The bankrupt-law of this country was not a law introduced in dark and barbarous times, or in times when institutions were totally foreign to those under which we now lived: it was introduced in the reign of Elizabeth, was amended in the reign of James, and received its grand improvement, under which it continued to be administered for so many years, from one of the greatest and best Judges that ever sat in this country, Lord Hardwicke, under whose auspices that great statute which amended the Bankrupt Laws was introduced. The principle of that statute was, to put the administration of the affairs of bankruptcy under a species of Chamber tribunal, much



more competent to investigate matters of account than an open Court not invested with the whole administrative care of the estate, which tribunal was assisted by trustees chosen by the creditors at large for the use and benefit of the estate, and from the decisions of that tribunal appeals were given to the first Judge in the country—namely, the Lord Chancellor. Had it ever occurred to any of the eminent Judges who had held the Great Seal in this country, to change such a system—had it ever occurred to my Lord Hardwicke, that the system was in its nature a proper subject of execration, and that it was a system of law under which a commercial country could not exist, the case might have been different. But did it ever occur to any of them? Did it ever occur to a great man since that time not unfriendly to Reform, not indisposed to change—he meant Sir Samuel Romilly, than whom no man ever existed more desirous to improve the administration of justice. Among other improvements which that great and public-spirited man introduced into the House, there were certain measures which were considered by it with the greatest degree of attention, and which were introduced after the greatest deliberation, for the purpose of improving the Bankrupt Law of the country. These alterations did improve it most materially; but were they of a nature to strike at the whole system? were they of a nature to level with the ground all that Lord Hardwicke had raised on the foundation of his eminent predecessors? Were those alterations of a nature to affect the whole administration of the commercial laws of the country, or to introduce a new system of law, which he would undertake to say, in point of detail, would require at least a twelvemonth to learn, even if then it could be correctly understood? What would be the consequence of launching this new system upon the community, with all its great and extensive alterations, in lieu of an old system with which the commercial world had been familiar for so many years, he, for one, was at a loss to conjecture. This, however, he could see, that it must produce confusion, to a degree almost indescribable, until the various and extensive new provisions of this Bill, in detail as much as principle, should come to be correctly understood and applied. Having taken the liberty of shortly alluding to the general nature of this Bill, he would now pro-

ceed, as shortly as he could, to notice some of the inconveniences of this system which had been pointed out—inconveniences to which the least eminent persons to whom he had alluded, were not blind, but against which they endeavoured to guard carefully and sufficiently without unnecessary expense. One inconvenience was the want of judicial power to enforce that respect which ought to be paid to every tribunal. It was discovered that, as the law stood for a considerable time, the Commissioners, sitting to dispense justice, might be treated with insult and contumely, and yet might not be able to protect their jurisdiction by a proceeding in the nature of contempt—that lack of power which had been, if he correctly understood those hon. Gentlemen who had spoken on the other side, one of the causes of the objections which existed in this tribunal. Why, this objection had been already removed; by the existing law, the Commissioners had the same power of enforcing respect as any other Court had. There could be no fair reason for supposing, that since the passing of enactments which had produced that effect, the Commissioners' Court should not be attended with as much decorum and respect as any in existence. Then, it was said, that the lists of Commissioners were composed of improper names; but whose fault was that? It was the fault of the Lord Chancellor for the time being; it was not the fault of any past Lord Chancellor, but of the Lord Chancellor for the time being, who had the power of removing them at his will and pleasure—

“A breath unmakes them as a breath has made.”

The Commissioner's was no patent place; he did not hold by warrant of the Crown. The Lord Chancellor handed to his secretary a list of names to whom a commission should be directed, and he, at his own will and pleasure, at any one moment, could direct that no commission should be issued to any one particular individual, and that another name should be inserted. If the Lord Chancellor on coming to the Great Seal, or during the period he administered justice in the Court of Chancery, should find that in this jurisdiction there was an incompetent or improper person, it was not only in his power, but his absolute duty, to decide that no more commissions should be issued to that person. It was said, however, that some of these Commissioners were unfit. He

believed they were; but generally speaking, the Commissioners were men eminently fitted to discharge some at least of the duties of their situation alone, and without advice, and certainly qualified, with the assistance they received from those more experienced Commissioners who were always joined in the same list, to perform all the duties of the office in a satisfactory manner, in which manner, according to his judgment, and according to the proofs they had upon the subject, they had discharged them. But probably some proof upon this point, some result of experience might be applied, as a mode of ascertaining the manner in which these Commissioners had exercised their functions. He was, of course, now arguing the case only with reference to the London Commissioners, because one of the peculiarities of this Bill was, that it made a wide distinction between London and country Commissioners; on which latter point he should have a word or two to say presently. From the returns which had been made of the number of appeals prosecuted from the decisions of the Commissioners, it appeared that the average number of bankrupt petitions set down for hearing in the course of the year was, in round numbers, about 600. It must not be supposed that these were all appeal petitions: how many of them did the House suppose were appeal petitions? He had been furnished, from an authentic source on which he could rely, with an account of the number of petitions in bankruptcy in a given half-year,—the half-year from October 1828 to March 1829, both inclusive. The number of petitions in bankruptcy presented in that half-year were 318. Of these 318 petitions, only fourteen were upon questions that had been before the Commissioners; these fourteen, including appeals from the country, as well as from the town Commissioners; and yet this was the jurisdiction that had been branded as incompetent, which had been branded in the face of the country as execrable, and which had been boldly stated as unfit and improper to discharge the duties confided to it. This, however, was not all the information they possessed upon the subject. His learned friend, Mr. Montagu, an authority eminently competent to judge on this subject, as both sides of the House must admit, than whom a more strenuous opponent of this Bill did not live, and who was very properly quoted upon certain

points by the hon. and learned member for Newark, in his publication, entitled, "Letters to Sir Robert Peel on the Chancery Commission," gave this information. At a certain period, his honour the Vice-Chancellor, now Master of the Rolls, adopted a plan of classifying the petitions in bankruptcy, that was, taking them under different heads, and taking the different heads in rotation, as he judged most convenient: this afforded an excellent opportunity of ascertaining what these petitions were. Now, the number of petitions set down for hearing before the Vice-Chancellor, Sir John Leach, under that arrangement in June 1826, amounted to 190—of these the number of appeals from the Commissioners amounted only to twenty-three, including appeals from the decisions of the country Commissioners. In the following month of July 1826, the number of petitions set down for hearing was 253, and of these only twenty-seven were appeals from the Commissioners. The proportion, therefore, of appeals was astonishingly small; and it should be recollected, that according to the present system—a system which he wished to see altered as much as any man, and which he would lend his humble aid to alter, if necessary, in any reasonable manner that could be suggested—the case was not heard before the Court of Chancery in the same state as it was heard before the Commissioners, but it was heard on additional evidence. This, however, was a mischievous practice, which might easily be corrected without the assistance of any Act of Parliament, and which he hoped to see corrected before he was six months older. When it was recollected that the number of appeals was so exceedingly small, though many of them were heard on additional evidence, he would ask, how could it be fairly inferred that the Commissioners so exercising their jurisdiction, were an incompetent tribunal? He might be told, that the expense and delay of proceeding prevents the parties from appealing in many cases. He utterly denied that, if that course operated at all, it could by possibility operate to any thing like the extent that would produce this proportion. It was perfectly absurd to suppose that it could be so. He certainly could bring no other warrant for what he stated—no other qualification for this discussion than that of having been for some years practically conversant with these matters, having

that length—then the Lord Chancellor must give his directions, or, if there was any doubt on the subject, a short enactment would do it in a moment, that the parties should proceed before the Court upon the same evidence on which they proceeded in the Court below, and then they would have all they required. The hon. and learned Gentleman opposite seemed to forget, that the Commissioners had the power of examining witnesses *vivâ voce*. Their depositions were taken down in writing from the mouth of the witnesses, from questions put to them; if it were known by the parties that the case would be tried by the Court above, upon the same evidence as that taken before the Commissioners, they would arm themselves with their witnesses before the Commissioners—they would take the greatest pains to have the latter properly brought before the Court below, and there would not then be so many appeals from their decision. Did all this render this Act of Parliament necessary? What was the nature of the present tribunal? It was established in the reign of Queen Elizabeth; it was amended by Lord Hardwicke; it was improved again by Lord Thurlow, and his great successor; no part of it was attempted to be subverted by Sir Samuel Romilly; and these alterations were proposed under the auspices of a Judge of whom he wished to speak with all possible public and private respect; but who, for all that, had not been at the head of that jurisdiction yet barely twelve months. Under this jurisdiction, questions were, in the first instance, mooted before Commissioners selected by the Lord Chancellor, who was responsible if they were not properly qualified; for, he might change all, or any of them, at a moment's notice. The examination of the witness was *vivâ voce*, he was confronted with the person to whom he was opposed, and, in the event of a party appealing from the decision of the Commissioners, he had his option of going either before the Lord Chancellor or Vice-Chancellor. He had shewn that this jurisdiction might be relieved from all the inconveniences of affidavit evidence—if affidavit evidence was generally inconvenient, which he was sure no lawyer in that House would say—without being prepared to go this length. He had shewn, that delay did not exist, and that affidavits, if affidavits were to be used, would necessarily be brought within a rea-

sonable compass and a reasonably short space of time. He had shewn that every pressing case might be, and was, heard immediately, and that every case which was not pressing might be heard within the space of two months after the petition was filed. This was the actual state of the case. Another objection was made to the present system, namely, that the Commissioners did not attend to their duty—that they had to attend to several commissions at the same moment. If it was as the learned Serjeant, or one of his hon. and learned friends told them—if a Commissioner were so to misconduct himself as to be busying himself with a newspaper when he ought to administer justice, could it possibly be supposed that a Judge who so misconducted himself would not be instantly removed by the Lord Chancellor, who had at any time the power of taking up his pen and striking him out of the list? If there was any real cause of complaint—if it really were a mischief that the Commissioners at public meetings at Basinghall-Street, which place was now substituted for Guildhall, should attend to several meetings at the same time—why did not the Lord Chancellor prevent it? Why did he not—as he might—issue an order that only one commission should be attended to at a time, and that a given portion of time should be allowed for each commission? He had the power, and, if it was required of him, he ought to exercise it. Why had no Lord Chancellor done so? Because it was not requisite to be done: if it were requisite, the number of appeals would be somewhat greater than he had mentioned: he had stated what proportion the appeals bore to the decisions; and could any one suppose that, if the business were so improperly transacted, the number of appeals would not be considerably increased? In point of fact, however, the business at public Meetings was generally of such a nature that, without any inconvenience, two or three Commissions might go on at the same time; because, if it should turn out that the matter was one requiring grave deliberation and discussion, it was adjourned to a private meeting. He was not going round about to avoid mentioning the evils of this subject. He was shewing that it was not inconsistent with the due administration of bankruptcy that considering the nature of the business transacted at Basinghall-street, three or four public

meetings might be held at the same time; if this was not the case, and if this were an evil, whose fault was it? Why, it was the fault of the Lord Chancellor; and if any Commissioner should not think it worth his while to remain in a commission, in respect of which he should be so occupied and so restricted, the numbers might, if necessary, be diminished and so reduced as to make these offices worth the attention of a sufficient number of competent individuals. He did not mean to defend the practice of taking several commissions at the same time; but if there was any practical mischief in it, it was for the Lord Chancellor to correct it. He would, while on the subject, trouble the House with the evidence given before the Chancery Commission by his learned friend Mr. Roots, known by most of them as a very experienced and judicious Commissioner of Bankrupts, who had been a Commissioner in the year 1825—when that gentleman gave the evidence to which he was about to refer—upwards of twenty years, and who had practised in the bankruptcy business in the Court of Chancery for a period now extending over a quarter of a century. He was asked, 'Would it not be a very material improvement to have the Commissioners distributed in such a manner as to ensure their attention?' His answer was, 'I do not think that, in general, such an arrangement could be made, so as to be productive of benefit, for one reason, among others, as I have already stated, that there is not enough business in each Commission to employ the whole of the Commissioners, and therefore one Commissioner might sit for an hour and have nothing at all to do.' He meant to shew, before he sat down, that the new Judges to be appointed under this Bill would, during three-fourths of the year, have nothing whatever to do. The former gentleman stated, in answer to a question put to him, 'I doubt whether any very material benefit would arise from that, if the Commissioners take care not to hold too many meetings together.'—'Then you think no improvement would result from that?' 'No; because it is but seldom that any Commission in itself requires so much exclusive attention, unless in an extraordinary case—the failure of a very large house, for instance, in the course of which you have most difficult matters to inquire into. But it is very seldom

that one Commission is so complicated that it is difficult to do anything else: at the same time, when a large failure takes place, it is the practice to devote the meeting to it exclusively.'—'Then it is your opinion that you can attend to the business to be done under Commission A as well as B?' 'Under A it may happen that there may be nothing to be done; and, in that case, I may as well attend to another: it hardly ever happens that three Commissions at the same time have the same quantity of business.' He had now shewn, from the evidence of Mr. Roots, than whom a more experienced Commissioner did not exist, that more than one Commission could be attended to at once, and this shewed why the Lord Chancellor had not interfered. Before he left this part of the subject, he would shortly address himself to the number of meetings held under Commissions. Observations had been made on the temptations to which these gentlemen were exposed, to neglect a proper performance of their duty, and to increase the number of meetings, on account of the profits arising from them. It happened fortunately that they had the means of ascertaining the average number of meetings held under Commissions in London, and the result of that average at once precluded the possibility of the justice of any such observation. The number of London Commissions opened in the course of a year, taking an average of twelve years, was 650. The average income of the London Commissioners, derived from fees at meetings alone, might be safely taken at 26,000*l.* a-year; that sum divided among fourteen lists came to exactly 40*l.* a Commission upon 650 Commissions, and 40*l.* a Commission would give, as near as possible, thirteen meetings under every Commission; that was the average under London Commissions of a considerable number of years. Of those thirteen meetings, some were public and some private. Among the public meetings were included mere matters of course, the execution of the assignment, for instance, and other matters of that description, which were inevitable under all Commissions; therefore he was taking it at a fair calculation, when he said, that the average number of private meetings under every London Commission, did not exceed six, or at the utmost seven. Could the House consider this as a very large proportion, when the

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great and important mercantile interests involved in the administration of London Commissions were taken into consideration? Could any man living say, that an average of six or seven private meetings under each London Commission was more than was proper? He really was surprised and astonished when he received this information from authentic sources, to find that it was possible to transact such important business with so small a number of private meetings. What became, then, of the taxation and oppression of private meetings? What of the argument with respect to those extraordinary cases of twenty or thirty meetings under one Commission? He had shewn to the House, that the average number of meetings was six or seven; and considering what this business was, and considering that the whole expense of these meetings was so very small, was there any occasion for legislation on this point? There were no practical grievances which could not be remedied by an order of the Lord Chancellor; the expense was much less than it had been stated to be; but it was again stated, as an objection, that in many instances enormous masses of affidavits were thrown away, because the Court, when it came to hear the case, declared itself incompetent to decide it, and directed an issue to be tried; this, the hon. and learned Gentlemen on the other side declared to be a case of frequent occurrence. He would tell those hon. and learned Gentlemen, and one in particular, that this was a subject of which he could know nothing, never having practised in the Court. Out of 600 petitions set down for hearing in the course of a year, not more than ten on the average were sent to a Jury. Really, anybody who had heard the hon. member for Winchelsea, would suppose that this enormous expense was incurred in almost every case. In fact, issues were only directed at all in those cases where the Court, in endeavouring to satisfy itself on conflicting evidence, thought that justice might be better administered by that means, and where it did happen that the questions to be investigated were of such a nature as to require the examination of witnesses in open Court. It was also said by the hon. and learned Gentleman, that many questions ought to be sent to a Jury which were not now so disposed of. He did not know on what ground this argument might be founded, but he did

know, that most eminent lawyers from the common-law Bar, who had come to preside in the Courts of equity, and who, of course, were most competent to deliver an opinion, said, that highly as they valued Trial by Jury, invaluable as it was in this country in some cases, yet in the majority of mercantile questions it was not the most satisfactory tribunal, because the verdict of a Jury was liable to be influenced by a powerful advocate. He would not endeavour to deprecate Trial by Jury, but in such cases as these it was not necessary to extend the number of issues. The Bill, in the first place, established a Court in Bankruptcy, to consist of four Judges, who were to form a Court of Review, and were always to sit in public, "except as otherwise directed by this Act," there being no such direction in any part of the Bill. If this Bill should ever find its way into Committee, there was no doubt that this part must be amended. All the jurisdiction in bankruptcy that was now exercised by the Lord Chancellor or the Vice-Chancellor, was given to these Judges. There might be cases in which issues might be directed most advantageously to the interest of all parties concerned. At present, country cases were tried at the nearest assizes, and the witnesses being resident on the spot, of course the parties were not put to any very great expense in bringing them before the Court; but under this new Bill, on every petition in bankruptcy, whether it was in a country case or a town case, the issue was to be tried by one of the Judges of this Court, in his own Court here, and nowhere else. Supposing this part of the Bill were to remain in its present state, he would beg to ask those hon. and learned Gentlemen who talked of the expense of the present system, whether they did not think the expense would be increased to an enormous extent? This was clearly a *lapsus*; but he could shew five hundred other points for the purpose of bringing under the consideration of the House, the manner in which this Bill, by which the whole commercial law of the country was to be altered, had been brought forward, and on which Bill he was driven, at that late hour of the night, and at the very expiration of the Session, to address the House. In addition to the Judges of this Court, there were to be three clerks and a secretary appointed; and all costs of suit between party and party in this Court of Review were to be taxed by one

of the Masters in Chancery. So that this Court was not even to tax the bills of its own practitioners, but they were to be submitted to the revision of another Court. The mode of preventing both delay and litigation was this. Commissioners were to be divided into two subdivision Courts—of course three in each, for the purpose of taking examinations, and questions which were referred from a single Commission were to go to these Courts, unless the Commissioners should think fit to direct otherwise. What this otherwise was to be, nobody knew. These subdivision Courts might sit in public or private, as occasion might require; and the Act directed that it should be lawful for one or more of these Commissioners to exercise all the duties vested in the Commissioners of Bankrupts, provided always that the single Commissioner should have the power to commit any bankrupt or other person examined before him, unless as directed by the Bill. Now, at present, three Commissioners had the power of committing a bankrupt. The Act, with a laudable anxiety for the liberty of the subject, provided that that should be the case. But the effect of this Bill would be, that one Commissioner could exercise that important duty which was now vested in three. This was most objectionable. The proceeding before Commissioners of Bankrupts at the present time, was well known and understood by the House. The Commission was in common use, and contained words to which successive times had applied a meaning; but this Act struck away the Commission, and produced something in the nature of a *fiat*, which no one could understand from the provisions of this Bill. It was enacted, that in every case in which the Lord Chancellor had power to issue a Commission under the Great Seal, it should be lawful for him so to do, and also for the Master of the Rolls, the Vice-Chancellor, and each Master in Chancery, and so on—in short, the effect of this provision was, to alter a power which, from the reign of Queen Elizabeth down to the present time, had been committed to the Lord Chancellor alone. At present, if there was the slightest doubt on the docket paper—the paper on which the Commission issues respecting the owing of the debt, and so on—it was submitted to the Lord Chancellor, but in future it was to be submitted not only to him but to those Judges whom the very principle of this

Bill deprived of all knowledge and experience. He might be wrong, certainly, in the view he took of some parts of this Bill, but so he understood them. The Bill then went on to say, that the country Commissioners should be selected by a Master in Chancery, who was to exercise his discretion as to fit and proper persons. It was not to be forgotten that this Bill gave the power of committal to country Commissioners, that was to say, to country attornies; and was it to be endured, that the whole commercial law of the country was to be exercised in this way, by individuals selected in this manner? The Bill then proceeded to the enactment of a new oath to be taken by Commissioners in the country, and afterwards to a long and laborious provision with respect to the manner of proceeding, in case the bankrupt should dispute the adjudication. 'That if any trader adjudged bankrupt shall be minded to dispute such adjudication, and shall present a petition praying the reversal thereof to the said Court of Review, such petition to be presented within two calendar months from the date of such adjudication, if such trader shall be then residing within the United Kingdom, or within three calendar months from the date aforesaid, if then residing in any other part of Europe, or within one year from the date aforesaid, if then residing elsewhere, &c.' A commission of bankruptcy was an *ex parte* proceeding, and a man might be made a bankrupt without having any previous notification of it. According to this Bill, although at the time of his being made a bankrupt he might be at the extremity of Russia in Europe—still he was to have no redress, if the adjudication was an improper one, unless he proceeded within the space of three months. A commission of bankruptcy might be taken out against a man the moment after he had sailed for India: he might be totally unaware even of the probability of such a thing occurring; the Commission might have been sued out under the most vexatious circumstances; yet, according to the provision of the Bill, if the adjudged bankrupt did not, within the space of twelve months—which, in most instances, would be impossible—institute proceedings in England to dispute the adjudication, he would be declared a bankrupt for ever. These considerations convinced him (Mr. Knight) of the necessity of considering the provisions of this



Bill fully and minutely, and of the impropriety of proceeding with so important a subject at this hour of the morning. The next clause related to the power of the Lord Chancellor to annul the fiat. It provided—‘That it shall be lawful for the Lord Chancellor, upon the reversal of any adjudication of bankruptcy, or for such other cause as he shall think fit, to order that any fiat issued by virtue of this Act shall be rescinded or annulled; and such order shall have all the force and effect of a writ of supersedeas of a Commission, according to the existing laws and practice in bankruptcy.’ This involved a direct contradiction to the preceding provisions of the Bill—a contradiction which it was perfectly impossible for him to reconcile. At this time, however, it would be vain and idle to dwell upon it. Then, by the 23rd clause, an alteration was proposed, for which a good reason might be given; but which, as at present informed, he was totally unable to understand the necessity of. The clause provided—‘That it shall be lawful for any Commissioner, who shall make any adjudication of bankruptcy, to appoint two or more public meetings, instead of the three meetings directed by the said recited Act, for the bankrupt to surrender and conform, the last of which said meetings shall be on the 42nd day by the said Act limited for such surrender.’ Under the existing system three meetings of creditors were held. At the second, the assignees were chosen; and at the third, the bankrupt’s accounts were investigated. If there were to be but two meetings held, and no assignees chosen at that time, how were the bankrupt’s accounts to be investigated? This was a point of importance, and deserving of infinitely more attention than at this time of the night it was possible to bestow upon it. The appointment of the official assignees belonged to a distinct head of observation, which he would pass by, and the next provision could, in his opinion, lead only to delay and expense. By the 34th clause it was enacted—‘That any one of the said six Commissioners may adjourn the examination of any bankrupt, or other person, to be taken either before a Subdivision Court, or the Court of Review, or, if need be, before both Courts in succession, and may likewise adjourn the examination of a proof of debt, to be heard before a Subdivision Court, which

said Court shall proceed with such last-mentioned examination, and finally, and without any appeal, except upon matter of law or equity, or of the refusal or the admission of evidence, shall determine upon such proof of debts. Provided always, that in case, before the said Commissioner, or Subdivision Court, both parties, the assignees or the major part of them, of whom one to be the official assignee, and the creditor, consent to have the validity of any debt in dispute tried by a Jury, an issue shall be prepared under the direction of the said Commissioner or Subdivision Court, and sent for trial before the Chief Judge, or one or more of the other Judges; and if one party only apply for such issue, the said Commissioner or Subdivision Court shall decide whether or not such trial shall be had, subject to an appeal, as to such decision, to the Court of Review.’ Under this clause, every creditor would be driven to the necessity of either having his case tried before a Jury, or of having it decided in the first instance by the Subdivision Court, without any appeal. The House would judge of the propriety of such an enactment. By the next clause it was provided—‘That if such Commissioner, or Subdivision Court, shall determine any point of law or matter of equity, or decide on the refusal or admission of evidence, in the case of any disputed debt, such matter may be brought under review of the Court of Review, by the party who thinks himself aggrieved; and the proof of the debt shall be suspended until such appeal shall be disposed of, and a sum not exceeding any expected dividend or dividends on the debt in dispute, in such proof, may be set apart in the hands of the said Accountant-General until such decision be made.’ If there was any one proposition more generally acknowledged and acted upon than another in bankruptcy, it was, that the Accountant-General received no money. Sums were lodged in the Bank under his name, but he actually received none. That was a principle which the Bill would invade. By the next clause it was provided—‘That if the Court of Review shall determine in any appeal touching any decision in matter of law, upon the whole merits of any proof of debt, then the order of the said Court shall finally determine the question as to the said proof, unless an

'appeal to the Lord Chancellor be lodged within one month from such determination: and, in case of such appeal, the determination of the Lord Chancellor thereupon shall, in like manner, be final touching such proof; but if the appeal, either to the Court of Review or the Lord Chancellor, shall relate only to the admission or refusal of evidence, then, and in that case, the proof of the debt shall be again heard by the Commissioner or Subdivision Court, and the said evidence shall be then admitted or rejected, according to the determination of the Court of Review or the Lord Chancellor.' This, again, was a provision which, by multiplying the number of appeals, by involving and perplexing the mode of proceeding, and by increasing expense, must, if carried into operation, amount almost to a denial of justice. The next clause related to the new trial of issues; and it provided—'That after any issue, by this Act authorized, shall be tried, a new trial may be moved in the Court of Review, which new trial shall be granted or refused according to the rules of the Common Law, and the practice of the Courts of Westminster, in granting or refusing new trials.' The fortieth clause surprised him not a little, after what he had heard with respect to the mischief of affidavits. It enacted—'That the said Judges and Commissioners of the said Court of Bankruptcy shall, in all matters within their respective jurisdictions, have power to take the whole or any part of the evidence either *viva voce* or by affidavits, to be sworn before one of the said Judges or Commissioners, or a Master ordinary or extraordinary, &c.' So that power was given to the Judges or the Commissioners to receive evidence in this obnoxious and objectionable mode. The conclusion he came to upon reading the provisions of this Bill was, that it would multiply expense, prolong litigation, create doubt, give rise to obscurity upon matters of detail, and throw great and general difficulty in the way of administering this branch of the law. In that part of the Bill which contained provisions for appointing the official assignees, a remedy was provided against an evil which had ceased to exist, or which, at least, was already provided against by Act of Parliament. In order that the estate of the bankrupt might be properly managed, the Commissioners were given the power of appointing an

official assignee, who, whether he was acceptable or not to the creditors, was to assume the management of the estate. What respectable merchant or tradesman in the city of London would consent to become the assignee to a bankrupt's estate, if, in doing so, he must be linked with a stranger? It was by no means uncommon for respectable persons to say, "I will act with A or B as assignees, but I will not act with C or D." By the provisions of the Bill, which related to the official assignee, it would be enacted, that no other should act as assignee, without being linked with a person of whom, perhaps, he knew nothing. Then the official assignee was to receive all the bankrupt's property. This was one of the most objectionable parts of the Bill. The official assignee, having received all the property, was not only to pay the money, but also to transfer all stock in the public funds, or of any public company, and monies, Exchequer-bills, India bonds, or other public securities, and all bills, notes, and other negotiable instruments into the Bank of England, to the credit of the Accountant General of the high Court of Chancery. The money and other property having been thus paid into the Bank of England, how was it to be got out again? Was the Court to be applied to for its order on every occasion that any portion was required? The expense and the enormity of inconvenience arising from such a provision would never be endured by the commercial world. This provision of the Bill must be perfectly nugatory. No respectable merchants and bankers of London would consent to accept the office of assignee under such a Bill as this. The only object that could be assigned for appointing this official assignee was, to prevent an evil which seldom occurred—namely, the failure of an assignee. A more unsatisfactory mode of preventing such an evil could not be suggested. The official assignee being, in the first part of the clause, invested with a positive, and a superior or paramount power, was in the latter part of it fettered by the following proviso—'That nothing herein contained shall extend to authorize any such official assignee to interfere with the assignees chosen by the creditors, in the appointment or removal of a solicitor or attorney, or in directing the time and manner of effecting any sale of the bankrupt's estates or effects.' With such a proviso what could the official assignee

really have to do? He was to give security. The clause enacted—'Such official assignee to give such security, to be subject to such rules selected for each estate, and act in such manner, as the said Chief and other Judges, with the consent of the Lord Chancellor, shall from time to time direct.' It was perfectly monstrous to suppose, that an assignee should, in every case, find security to the full amount of the probable value of an estate. But even if called upon only for a portion—in all probability, weeks, nay, months, might elapse before that security could be completed. Such were the means by which the evils of delay were sought to be avoided by this Bill. The official assignee was to derive an income from the estate by a percentage on all he collected. That was a totally new source of expense, because hitherto the assignees had never been paid. While the average expense of each Commission amounted, under the existing system, to 50*l.*, under the new one it would amount to 60*l.* or 80*l.* He agreed with the hon. member for Winchelsea, that where the administration of the law was the object, expense should not be thought of. But this would not be an improvement, and therefore he objected to every additional expense which it created. Economy had been placed in the front of this Bill, as one of its great recommendations. In his opinion, however, economy was a recommendation which it did not possess. How were the Judges and Commissioners to be paid?—out of a fund to be raised by a tax upon the bankrupt's estates. These officers, too, were to have retiring salaries. That being the case, it was doubtful whether there would be at all times funds enough to pay them; and then, as a matter of course, a call must be made upon the country. At present, the average time occupied by the Lord Chancellor and the Vice Chancellor, in hearing bankrupt cases, was sixty-eight days; and as it was most probable that the number of appeals would be greater than at present, it was not likely that a greater time would be required for that purpose than was now found necessary. But suppose that a hundred days were to be occupied in this way. As the Vice Chancellor now got through all the bankrupt appeals, and was able to perform a considerable portion of other business, it was impossible to see what the suitors would gain by the new Court. He had not the least doubt that

the ultimate effect of these changes would be, to get rid of the Vice Chancellor's Court, which would be a most objectionable measure. The Bill was considered by the profession to be wholly uncalled for, and inadequate to the purposes for which it was framed; and he trusted it would not be persisted in at this late period of the Session. He did not deny, that improvements might be made in the machinery and working of Bankruptcy Commissions; but the Bill did not comprehend those improvements. Instead of amending defects, it would increase the difficulties in all questions of this nature, and add materially to the expense. It would create doubts and obscurity where the law was at present clear; and would weaken the confidence which it was highly expedient should be maintained between the commercial interests and the Judges in bankruptcy.

Mr. *George Bankes* had strong objections to urge against this Bill, but as he could not urge them then, he wished the Debate to be adjourned.

Sir *Charles Wetherell* said, that he would use an expression of Lord Brougham's on another occasion, and say, that this Bill stunk under his nostrils.

Debate adjourned.

#### HOUSE OF LORDS, Wednesday, October 12, 1832.

MINUTES.] Bills. Read a second time; Consolidated Fund Appropriation; Arms Continuation (Ireland.) Read a first time; Valuation of Lands and Military Accounts (Ireland.)

Petitions presented. By the Earl of SHAFTESBURY, from the Landowners, Merchants, Freeholders, and Freemen of Shrewel; and by Lord CLONCUBRY, from the Protestant Freemen of Galway residing at Burns, to extend the Galway Franchise to Catholics equally with Protestants:—By the Earl of SHAFTESBURY, from the Vestrymen of Marylebone against the Vestry Bill; and from the Directors of the Poor of St. James's, Westminster, praying to be heard by Counsel against it. By Lord CLONCUBRY, from Inhabitants of Kildalkey to disband the Yeomanry of Ireland; and from the Tithe-payers of Lea, Queens County, for Inquiry into the Irish Tithe System. By Lord KING, from the Freeholders and Inhabitants of Petersfield, in favour of Reform.

A Committee was appointed to consider the Office of Clerk of Parliament.

IRISH EMBANKMENT BILL.] The Duke of *Leinster* moved the committal of the Irish Embankment Bill.

Lord *Carberry* said, he was induced to appeal to his Majesty's Ministers to request them not to forward this Bill in the present Session, when their Lordships had not had time to consider its provisions. The clauses in the Bill were numerous, and the powers given by them interfered

much with the rights of private property. It ought at least to be referred to a Committee up-stairs for further consideration.

The Duke of *Leinster* thought the provisions of the Bill were likely to be beneficial to Ireland, and therefore, with great deference to the noble Lord, he could by no means agree to a postponement of it.

The Marquis of *Westmeath* said, the want of employment to the poor of Ireland was the great evil to be combated, and he conceived the provisions of this Bill would go far to lessen the evil, by causing the draining and improvement of land. He wished, however, some noble Lord, who was more conversant with its details than himself, would inform him, whether it contained any clause which would deprive the landed proprietor of a fair and adequate equivalent from the Joint Stock Companies.

The Earl of *Gosford* said, he did not see anything in the Act which was likely to prejudice the interests of landed proprietors of Ireland, but on the contrary he thought its operation would be generally beneficial to the country.

The Earl of *Wicklow* said, the object of the Bill appeared to him to be similar in some respects to the general drainage bill which passed the last session, but that did not give such extraordinary powers as this Bill contained. He was quite sure his noble friend (the Duke of *Leinster*) had the good of his country fully at heart, but he must beg to suggest to their Lordships, and particularly to the noble and learned Lord on the Woolsack, whether at present it was not too late in the Session for such a Bill to go through the House.

The Lord Chancellor confessed that, from the many heavy avocations which had laid upon his shoulders, he had not had an opportunity of looking through the Bill. But he might still have that opportunity, as it would depend on what might happen to-night in another place whether the Session would be at an end so soon as was expected. There was a bill in the other House which he was anxious to have passed, as part of an arrangement which would enable him to pay more attention to the bills which came into that House, which certainly often required that they should be inspected and examined.

Lord *Plunkett* stated, that great care had been taken in the preparation of the Bill, which had been last year under the consideration of a Committee of their

Lordships up-stairs, and had been very much considered and altered in a Committee in the Commons, so as to remove all the objections to it in that House. The great object was, to provide employment for the Irish poor, by extending inland navigation, and in that respect it would be of immense advantage to Ireland. Objections had been made to the principle of the Bill, on account of its supposed interference with private property, but it contained no unusual provisions on that head, and noble Lords must also remember that previous to permission being granted to a Joint Stock Company, the Lord Lieutenant or his Chief Secretary must cause a notice to be inserted in the *Dublin Gazette*, and appoint an engineer to report as to the cost and utility of the proposed works, and on his report it depended whether the works were to be undertaken. They must, in addition, have the consent of two-thirds of the landed proprietors, whose interests were concerned before the works could be proceeded with. It was on the whole highly desirable that the measure should pass in the present Session.

Lord *Cloncurry* said, the present Bill was a necessary preliminary to a general drainage bill, because it was impossible to drain the bogs until the banks of the rivers were cleared. He was, therefore, of opinion, the measure would be found extremely advantageous to the country.

The Marquis of *Lansdown* said, the provisions of the present Bill had been most fully examined by a Committee of the other House, and in his opinion it opened a vast field for industry and the profitable employment of capital. It was indispensably necessary, to carry on public works in Ireland, that some such regulations should be made as the present Bill contained; he, therefore, hoped no postponement of it would take place.

The House then went into a Committee.

The Earl of *Wicklow* wished to ask the noble and learned Lord (*Plunkett*), if it would not be advisable to extend the provisions of this Bill so as to make it in effect a general drainage bill.

Lord *Plunkett* said, such a provision could be made by merely adding the words "or elsewhere" after the words "borders of rivers."

Several clauses were then agreed to. On the clause that the "Company may enter lands and dig for materials after notice given before any Justice of the

Peace who was authorized to settle a compensation."

The Earl of *Wicklow* thought this was too great a power to be given to any persons considering the object to be attained. Some regulations ought to be established also to prevent Companies cutting through farms. It appeared the clause, as it at present stood, gave that power, and it might tend to inconvenience individuals very much.

Lord *Plunkett* said, he did not see the force of the noble Earl's objection, but if he considered that the evil he apprehended was not sufficiently guarded against, he could suggest a clause to meet his object when the report was brought up.

Clause agreed to.

The question was then put, that the following words stand part of the Bill, "Companies to fill up holes and pits not further useful, and fence them off, under a penalty of 5*l*."

The Earl of *Wicklow* said, the penalty was not sufficient, because, as a Company was to have the power of entering upon land for the purpose of digging, they might put the proprietor to a greater expense than the amount of penalty would cover.

Lord *Plunkett* said, the payment of any damage committed under such circumstances was provided for in another part of the Bill.

The Earl of *Gosford* said, there was no necessity whatever to increase the penalty because, by another clause of the Bill it was provided that arbitrators were to be appointed to assess all damages committed under such circumstances.

Clause agreed to.

The question was then put upon the following words, "that any suit or action pending with regard to any lands not to hinder the Company from proceeding with the works."

The Earl of *Wicklow* said, this clause was very objectionable, inasmuch as a proprietor might commence a suit, but that would not stop the works, and by their continuing to go on the damage might be irreparable.

The Marquis of *Lansdown* said, the works were certainly to be proceeded with notwithstanding the commencement of a suit, but if it was decided in favour of the proprietor, an equivalent amount of damages would of course be awarded him; but as the clause in its present shape was guarded by other clauses of the Bill, un-

less it was allowed to stand, the whole progress of any contemplated improvement would be stayed.

Clause agreed to.

On the clause "that the Company be allowed to possess themselves of flood-gates, &c,"

The Earl of *Mountcashel* said, he thought this clause was liable to the objection of allowing Companies to encroach upon ornamental pieces of water, which ought, in his opinion, to be protected.

Lord *Plunkett* said, the introduction of the words "park, garden, or demesne," would meet the noble Lord's objection.

The words suggested by Lord *Plunkett*, were then added to the clause, which was agreed to.

Upon the question, "that witnesses have their reasonable costs paid," being put,

Lord *Carberry* said, it would be very desirable that some provision should be made, that an annual account of the expenses and returns of such Companies should be made, in a similar way in which such returns were made by Grand Juries.

Lord *Cloncurry* said, there was a general regulation by which all such bodies were compelled to make an annual report to the Commissioners in Dublin.

On the question that the clause "respecting penalties and forfeitures for offences committed under this Act," stand part of the Bill,

The Earl of *Wicklow* said, he had examined very carefully all the provisions of the Bill, and the result in his mind was, that landed proprietors were not sufficiently protected from the operations of these Joint Stock Companies. He thought, therefore, that whenever operations were commenced under the provisions of the Bill, the persons undertaking them ought to give security to double the amount of the estimate of the expense of completing such works, because it might happen that works of great extent would be undertaken, and before their completion the funds of the Company be exhausted. How, in such a case, was the proprietor of the land to be remunerated unless some such security was given? He therefore trusted the noble Marquis (the Marquis of *Lansdown*) would fully consider this point before the Bill passed through another stage.

The Marquis of *Lansdown* said, he would certainly consider the point mentioned by the noble Earl.

The remaining clauses were agreed to.

The Marquis of Lansdown then moved an additional clause, which was agreed to. That the consent of the Lord High Admiral must be obtained where works are carried on in rivers, as far as the tide flows, or the person acting without obtaining such consent would be guilty of a misdemeanor, and be liable to all the expenses incurred.

House resumed. On the question, that the Report be received the next day,

The Lord Chancellor said, that in the mean time he would take care to make himself fully acquainted with the provisions of the Bill, which he had not yet had an opportunity of doing. This Bill, he understood, had undergone a severe scrutiny in the other House, but nevertheless, seeing the state in which other bills had come up from thence, it would be necessary to look into it.

Report to be received the next day.

#### REFORM—POPULAR EXCITEMENT.]

The Lord Chancellor said, I beg, my Lords, to present to your Lordships a petition from the Magistrates and Inhabitants of the town of Peterhead, in Scotland, in favour of the Reform Bill. In doing so, I am anxious to avail myself of the opportunity which I was prevented, through a mere accident, of taking advantage of last night, to say a few words on this subject. I take this opportunity to declare, that I consider it my duty to state in the face of your Lordships, and of the country—a duty which devolves upon me, not merely as filling the situation which I do in your Lordships' House—not merely as being at the head of the magistracy of the kingdom—but a duty which devolves upon me as one of, I will venture to say, the most constant and sincere friends of the great measure of Parliamentary Reform—I repeat, my Lords, that I feel it my duty thus publicly to state, that the wit of man could not possibly devise any course of proceeding more calculated, beyond all others, to put in jeopardy the passing of that great measure, than proceedings of violence or outrage against the persons or properties of individuals. Whether such individuals differed from the public opinion or not, with regard to Reform, signified not one straw. A breach of the King's peace, whether committed against the person of any noble Peer, against the person of any Member of that or of the

other House of Parliament, or against any individual whatsoever—any such violation of the public peace, under the present excitement that exists with regard to this great measure, should be universally considered and set down as the worst species of enmity that could possibly be employed for the purpose of preventing the success of Parliamentary Reform. The people, who are jealously, anxiously, and devotedly desirous of the passing of that great measure, should not permit themselves, on account of any temporary disappointment in that respect, to be betrayed into proceedings which could alone be expected from the bitterest foes to the success of that momentous measure which they had so much at heart—they should not allow any temporary defeat which their hopes and wishes may have experienced, to drive them into a course of proceedings inconsistent with the public tranquillity, and destructive of the peace of society. I call upon them as their friend, and as the friend of Reform, not to give way to any such unfounded disappointment. I tell them that Reform is only delayed for a short period; I tell them that the Bill will pass—that the Bill must pass—that a Bill founded on exactly similar principles, and equally extensive and efficient as the Bill which has been just thrown out, shall, in a very short period, become part and parcel of the law of the land. Let not the people, I repeat, indulge in any degree of disappointment, for they may rely upon it, that through the exertions of their friends in the Ministry and their friends in Parliament, such a measure shall ere long be passed. But if the King's peace shall be broken, and if the friends of Reform will not also show themselves to be the friends of public order, the success of that measure which they all so much desire may not be attained. I now give the people this advice—I give it to them not so much as that of the head of the magistracy in this kingdom, but I give it to them as the friendly advice, the sincere and honest admonition of a zealous and ardent advocate and supporter of efficient and rational Reform—I tell them that riot, violence, or outrage, cannot promote but may defeat the success of such Reform—that it is not by such means, or by the adoption of such proceedings, that his Majesty's Ministers or their friends in both Houses of Parliament would ever desire to see the triumph of that cause secured—a

triumph which, if good order and tranquillity be maintained, must follow almost immediately, and that the only way by which the people can possibly frustrate that measure consists in breaking the King's peace.

Lord *Wharnccliffe* rose to express the great satisfaction he derived from hearing the sentiments of the noble Lord on the Woolsack. Assuredly, if any thing could tend to impede the advancement of Reform, it would be attacks on person or property. He hoped that the people of England would understand this. For his own part, he had opposed the Reform Bill, and how he should act with respect to any other measure must depend upon the circumstances that might come before that House. But while he made this declaration, he would again state emphatically, as he had stated last Session, that he was convinced the time had arrived when the question of a Reform in the Commons' House of Parliament must be taken into serious consideration, with a view to amend and improve the whole system of Representation. As to the precise measure of Reform, there might be a difference of opinion: but the measure which seemed best calculated to insure the safety and prosperity of the country should have his hearty concurrence.

#### HOUSE OF COMMONS, Wednesday, October 12, 1831.

**MINUTES.]** Bill brought in. By Mr. *POULETT THOMSON*, to allow the importation of Timber and Flour from the United States of America into the Islands of Barbadoes and St. Vincent's for a limited time.

**Returns ordered.** On the Motion of Mr. *JOHN WOOD*, for an Account of the Valuation of Property in the respective Parishes in England and Wales, and when made, on which the Poor-rate is levied, and the same return of County Rates:—On the Motion of Mr. *ARTHUR TREVOR*, for a Return of all Colleges and Schools of Education in the West India Islands.

**Petitions presented.** Sir *GRAY SKIPWITH*, from the Clergy, Magistracy, and Parochial Authorities of Birmingham, against the Sale of Beer Act; and from the Beer retailers of the same place, praying to be placed on a level (as regarded the hours of selling) with Licensed Victuallers; and from the Members of a Committee at Birmingham for an Inquiry into the State of Ireland. By Mr. *JOHN WYNN*, from the Inhabitants of Sligo, praying that Protestant Soldiers might not be compelled to take part in Catholic Ceremonies. By Mr. *RYDER*, from the Inhabitants of Hemel Hempstead, for the suppression of the Pilgrim Tax (India.) By the Earl of *OSOBY*, from the Tithe-payers of Clough, for a change in the Irish Tithe system.

**DUBLIN ELECTION.]** Mr. *Estcourt* presented a Report from the Dublin Election Committee, declaring the sitting

Members to have been duly elected, and the petition against their return to be neither frivolous nor vexatious.

Mr. *James Grattan* begged to ask the hon. Gentleman, whether it was his intention to lay the evidence taken before the Committee on the Table of the House, and to move that it be printed?

Mr. *Estcourt* said, that it was not his intention to do anything of that kind. Such a course was only pursued when a special return was presented, and in this instance there had been no special return.

**LIBERTY OF CONSCIENCE.]** Mr. *Ryder* presented a Petition from Westham, Hailsham, and other places, praying that Protestant soldiers might not be compelled to attend or take part in Roman Catholic ceremonies.

Mr. *O'Connell* called the attention of the hon. Member to the language of the petition. He hoped that it was not insulting to the Catholics of the empire. He hoped that an inquiry would be made into the subject-matter of this petition, as he was opposed to all violations of the freedom of conscience, either among Catholics or among Protestants.

Sir *John Newport* said, that the language of the petition, in designating as impious the ceremonies of the Catholic religion, went, he thought, a little further than the House would tolerate. He should certainly oppose the printing of such a petition.

Mr. *James E. Gordon* thought, that the House ought not to be too lynx-eyed with regard to such petitions.

Sir *Robert Inglis* said, several petitions had been presented which contained such expressions against the Church of England as no hon. Member ought to tolerate. As these had been received, he thought they ought not to be very scrupulous on the other side.

Mr. *Hunt* said, the hon. Baronet had objected to one petition being received because it contained the words "bloated clergy;" he therefore ought to be the last man to object to this petition.

Mr. *Robinson* said, it was not an argument in favour of the present petition, that others containing offensive expressions had been printed.

Petition laid on the Table.

Sir *Robert Bateson* presented a similar Petition from Coleraine. This petition had been got up in consequence of the

inhabitants having heard that two British officers had been dismissed from the army because they refused to assist at certain Catholic ceremonies at Malta.

Mr. *James E. Gordon* said, he had been gratified with the remarks of the hon. member for Kerry, as the practice complained of was against that liberty of conscience which all persons must desire to see promoted.

Mr. *O'Connell* said, if the hon. member for Dundalk would move for the appointment of a Committee to investigate the business, he should be happy to second his motion. He (Mr. *O'Connell*) considered it a most grievous case, that two officers should have been expelled from the army for refusing to violate their consciences. He should have felt it a most serious grievance if Catholics had been subject to similar treatment in a Protestant country; he therefore hoped the matter would be brought fully before the House.

Mr. *Wilks* considered the case as one of extreme grievance, and one which every man, whatever his religion was, ought not to tolerate. The officers had only desired to be exempted from violating their consciences, and had been, consequently, dismissed from the army and deprived of support.

Mr. *Frankland Lewis* said, an explanation had been given on this question on a former occasion, and, to the best of his recollection, it was, that the officers were not called upon to participate in the religious ceremony as individuals, but only for the performance of military duty: they were not called upon in the slightest degree to recognise the religious part of the ceremony, and were dismissed from the army for military insubordination.

Mr. *James E. Gordon* said, if the right hon. Member would examine the evidence, he would find that the offences of these officers was, a refusal to perform a military duty connected with the elevation of the host, and other ceremonies of the Catholic religion.

Mr. *O'Connell* observed, that the circumstances occurred at the festival called Corpus Christi. All the Catholics of the place knelt down, but the soldiers were only required to present their arms or to salute. These officers were of opinion that to salute was an act of idolatry, and they were dismissed the army for obeying their consciences in preference to a military order.

These were admitted facts, and some inquiry ought therefore to be instituted to show how far military duty was to interfere with a man's conscience.

Mr. *Ruthven* said, he considered that the officers were merely called on to perform a military duty, and they chose to mix their religious feelings up with that duty. To allow this, was not a good way to keep up discipline in the army. He considered that every man, whatever his opinion might be, should pay at least decent observance to the religious ceremonies of the country where he happened to be.

Sir *Robert Bateson* said, he should move that the petition be printed, for he remembered, when a similar petition had been before the House some time since, he had not been satisfied with the explanation then given by the Secretary at War. He believed there was some doubt about the propriety of soldiers assisting at religious ceremonies in the minds of some officers, he therefore hoped the Government would attend to the subject.

Mr. *Frankland Lewis* regretted that there was no member of the Government present to give the necessary explanation; he, therefore, entreated hon. Members to suspend their opinions until they heard from the proper authority what were the actual circumstances of the case. With respect to the general question, however, he was of opinion soldiers ought to perform whatever military duties were imposed on them by the proper authority; but if they were called upon to bear part in a religious ceremony, so as to express an opinion, they should most certainly be relieved from that necessity.

Petition to be printed.

#### REFORM — POPULAR EXCITEMENT.]

Mr. *Ruthven*, in presenting a Petition from an aggregate meeting of the Freemen and Freeholders of the town of Galway for an extension of their elective franchise, took occasion to observe, that he believed that the petitioners would get all their prayer if the Reform Bill for Ireland were carried. He was most anxious that the English Reform Bill should have been carried, on account chiefly, that he hailed it as an omen of intended improvement in Ireland, for he was sure the people of England could not receive any benefits without being desirous that their brethren in the sister country should also have



their due share of the good. The rejection of such a Bill in another place had caused universal indignation, and made it the more necessary that the House of Commons should attend to the complaints of the people. He, therefore, fully agreed with those who thought the conduct of the Bishops, in voting against the Reform Bill, was utterly indefensible. He must express his surprise that men, whose whole lives ought to be dedicated not merely to the preaching, but also to the practice of peace, good-will, and charity to all mankind, should have so forgotten their sacred duties as to have given a vote, which, more than all others, was calculated to spread dissatisfaction and discontent throughout the country. He was convinced that, after the public-spirited decision to which the House of Commons had come two nights ago, and which had spread such great satisfaction throughout the country, the Reform Bill might now be considered as good as carried. He was convinced that that Bill must be passed, by the peaceable manner in which the people had conducted themselves that day, in a procession which, though its numbers rendered it formidable, was deprived of all terror by its quiet, and tranquil, and regular demeanour.

Sir Henry Hardinge said: Sir, I am astonished at the assertion that the people this day conducted themselves in a peaceable and orderly manner. Sir, I say I am utterly astonished at this assertion, when I know that a noble friend and relation of mine, in coming down to the House of Lords this day, in performance of his duty, was attacked in a most cowardly and dastardly manner, and struck off his horse by stones, and so severely wounded, that he was obliged to be conveyed to his residence in a hackney coach. When, therefore, an hon. Member thinks proper to talk of the peaceable conduct of the mob, I cannot refrain from expressing my amazement. I do not mean to deny that many respectable persons, feeling strongly in favour of this measure of Reform, may have accompanied the procession in its progress to St. James's. Though I must at the same time observe, that such a mode of proceeding—such a mode of bearding the King in his palace—even if it should not be contrary to the strict letter of the law, is decidedly contrary to its spirit and its principle. And though, Sir, there may be found on the opposite

benches Ministers who, upon the part of the Government, may explain why the noble Secretary for the Home Department did not interfere upon this occasion, yet I, for myself, will take upon me to say, that the system of allowing immense masses of the people to advance in procession to petition the Throne, must eventually lead to confusion and disorder. Sir, I should not have troubled the House with any observations, if the hon. member for Downpatrick had not thought fit to talk of the peaceable conduct of the mob. But, Sir, what are we to expect? What are we to expect, save that which we are witnessing every day—when the windows and property of the Duke of Wellington are assailed? I need not speak of his services—I need not talk of the gratitude which is due to him from every Englishman. And then, if he be adverse to this Reform Bill—if my noble relative, the Marquis of Londonderry, who has also well and bravely served his country, be adverse to it—why should they not fearlessly and honestly express their opposition to it? What are we, I say, to expect when these individuals, their persons and property, together with those of other distinguished persons who happen to hold similar opinions, are exposed to the fury of a mob? What are we to expect when we find Ministers—and Ministers of the Cabinet too—corresponding with Political Unions? And as I see a noble Lord there who has rendered himself famous (I will not use the other word, for he does not deserve it) by the introduction of that Bill—having seen a correspondence between the noble Lord and the Birmingham Union, I am induced now to address myself to him: In reply to a communication from the Chairman of the Birmingham Union, conveying an account of a vote of thanks to him having been passed at a Meeting, the noble Lord says, ‘I beg to acknowledge the undeserved honour done me, with heartfelt gratitude.’ This undeserved honour was a vote of thanks of the Birmingham Political Union. And further, in alluding to the rejection of the Bill in his reply, what expressions did the noble Lord use? ‘I hope our dis-appointment (or something to the same effect) will be only for a moment, for it is impossible the whisper of a faction can prevail against the voice of a nation.’ Sir, I say that this language identifies the Cabinet Ministers with all the Political

Unions. I say that the Government are thus identified with all the Unions—that they are leaguings with them—and that they are under the direct influence of Government. I say that the words of the noble Lord do encourage all such meetings as that he has addressed. I had no intention of addressing the House; but, after the assertion of the hon. member for Downpatrick, I could not remain silent, when I was told, on the one hand, that the meeting this day in London was peaceably conducted; and when I remembered on the other, that the noble Lord had expressed his heartfelt thanks to an assembly of 150,000, as it was said, in Birmingham, at which according to the noble and learned Lord on the Woolsack, language was used which amounted to sedition and to felony. For my own part, I trust I never shall be deterred from coming down to Parliament to discharge my duty, as my noble friend and relative was not, and will not be, by any base and dastardly attack. And as for his Majesty's Ministers, I shall only observe, that I am convinced that it is not the mode to allay the fermentation that prevails (as it is their sacred and bounden duty to do), by thanking and encouraging meetings at which such language is held as that to which I have alluded, and by designating a fair, and honest, and independent vote of a majority of the House of Lords—the second branch of the Legislature—as the whisper of a faction.

Lord John Russell begged to trespass for a short time upon the attention of the House, whilst he said a few words in reply to the extraordinary attack which the hon. and gallant Officer had just made upon him. He was not disposed to defend himself from that attack; because he made allowance—and he was sure that the House would do the same—for the irritated feelings under which the hon. and gallant Officer rose. He was sure that the hon. and gallant Officer must be hurt by the occurrence of that day—an occurrence which, he assured the hon. and gallant Officer, no man regretted more than he did—he alluded to the attack which had been made on the Marquis of Londonderry, and to the severe injuries which he had received on his head from a shower of stones. He lamented the occurrence of such an outrage; and he agreed with the hon. and gallant Officer, that it was most disgraceful to those who

had been cowardly enough to perpetrate it. He also thought it right to say, that if there was a continuance of such outrages, they could not be looked upon in any other light than as acts of hostility against all good government, and that they must alienate the minds of all sober and respectable men from the cause of Reform. He also agreed with the hon. and gallant Officer, that the attack on the house of any noble Lord was base and disgraceful; but much more base, and much more disgraceful was it, when the attack was made on the house of the Duke of Wellington, to whom the country was so much indebted for past services. In defence of those outrages he would not say one word, either in palliation or excuse. As to the manner in which the hon. and gallant Officer had connected these outrages with his answer to Mr. Attwood, he would only observe, that the hon. and gallant Officer had not laid any substantial grounds to induce the House to think that the language which he had used in that letter had led to any breach of the public peace. The hon. and gallant Officer had charged him with having corresponded with the Political Union of Birmingham. He would not at that moment enter into the question of the propriety of engaging in such a correspondence; but in this case no such question could arise. Mr. Attwood, the banker of Birmingham, had written to him stating that there had been a great meeting at Birmingham, at which he believed 150,000 persons were present. He would not say that the meeting was so large as Mr. Attwood had represented it, but still it was a large meeting, and that meeting had thanked his Majesty's Government for the manner in which they had conducted the Bill through the Commons House of Parliament. In such a resolution on the part of the meeting, he saw nothing unconstitutional, nothing inconsistent with the rights which as Englishmen they possessed, and more especially nothing inconsistent with that right which they had enjoyed from their ancestors—he meant the right of pronouncing an opinion upon the conduct either of Government or of Opposition. He had therefore thought, that it was a duty which he owed to the people of Birmingham and himself, to express his gratitude to them for the vote of thanks which they had given to his Majesty's Ministers generally, and to himself individually;

and he had yet to learn that there had been anything in the conduct of that meeting which ought to lead him to refuse accepting a vote of thanks from it. He saw no reason why he should say to the thousands who had been awaiting with interest the result of this Bill, "You are unfit to be in communication with the King's Government, and I therefore repudiate your praise." On the contrary, he thought that he might notice the loyalty and good sense of the people of Birmingham; and he imagined that, when he stated that the success of the Reform Bill was only deferred for a time, but was still certain, he was expressing a sentiment which, so far from leading to tumult, would induce the people to wait with patience for the reintroduction of that measure to which they attached so much importance. He had undoubtedly said, and he now repeated the assertion, that 'it was impossible that the whisper of faction should prevail against the voice of a nation.' It was a sentiment which he had expressed on first receiving Mr. Attwood's letter, and he now saw no reason either to retract or to withdraw it. He thought that the number of those who supported the Reform Bill, compared with the small number of those who opposed it, justified him in stating that the Reformers were the nation. He thought, he repeated, that the Reformers did constitute the nation, and that the greater part of the opponents to the Bill did belong to, and might justly be denominated, a faction. Such being his sentiments, he could not think of retracting any expression in that letter. He was sorry that it did not meet with the approbation of the hon. and gallant Officer; but he could not give up his opinions to please that hon. and gallant Member. It was his most earnest desire that the people should conduct themselves in a peaceable and orderly manner at this crisis. If they did so conduct themselves, and would only avoid all violations of the peace, he felt confident that nothing could prevent this great measure of Reform from being passed speedily into a law. He was sure that the country would soon have the satisfaction of seeing the two Houses of Parliament agree in the expediency of a measure which he considered necessary to the preservation of the Constitution, and to the consolidation of its most important interests.

Sir *Henry Hardinge* said, that he was not aware that he had used any language which the noble Lord could justly complain of. Certainly he had used none which he was disposed to retract. He had said, and he now deliberately repeated it, that the noble Lord had designated the legitimate decision of an independent majority of the House of Lords as the whisper of a faction.

Lord *John Russell* thought, that he had a right to complain of the conduct of the hon. and gallant Officer, who had coupled his letter with the attack on the Marquis of Londonderry—an act which was not of his commission, and for which he could not be considered responsible. The hon. and gallant Officer had said, that he was not surprised at these outrages having been committed after his (Lord John Russell's) letter was published. He put it to the House whether the language which he had used, when speaking of the Anti-reformers as a faction, was not much less strong than that which was ordinarily used in political warfare, and than that which had been used by the opponents of all Reform, during the discussions on the Reform Bill.

Sir *Henry Hardinge* said, it was intolerable that the voice of a majority of the House of Lords should be called the mere whisper of faction. That expression the noble Lord had made use of; and from the use of that expression it was impossible for the noble Lord to escape. In using that expression the noble Lord had identified himself with the different Political Unions.

Lord *John Russell* said, that his expression did not mean to include all the Peers who voted in the majority: he only alluded to a small and self-interested portion of their Lordships.

Sir *Richard Vyvyan* said: I am not disposed directly to make any charge against his Majesty's Ministers, nor any direct attack upon either of them, on account of their corresponding with Political Unions; neither is it the intention of my hon. and gallant friend to insinuate that his Majesty's Ministers had in any manner wished to promote or sanction by their letters the disturbances which had taken place in the metropolis. I say, that when the noble Earl at the head of the Government, and the noble Lord the leader of this House (although the former, I allow, used much more moderate language), correspond

with Political Unions, we may fairly assume that both approve of these associations, and are influenced by sympathies similar to those which prevail within these bodies. My hon. and gallant friend did not, I believe, mean to say, that the intention of the noble Lord was to excite disturbance, but his argument was, that his letter must inevitably have that tendency. Notwithstanding the eagerness of the noble Lord opposite to fix upon my gallant friend the charge of having said that he had corresponded with the Birmingham Political Union, hoping that such a correspondence would lead to riots, I think it must be in the recollection of the House, that such was not the charge of my gallant friend, although the House and the public have yet to learn how it was possible for Cabinet Ministers to suppose that they could enter into such a correspondence without leading the individuals addressed by them to the supposition, that their resolutions were in unison with the sentiments of the King's Government. The corresponding Ministers, after having read the resolutions passed at the great meeting which took place at Birmingham last week, and knowing that such resolutions contained language which has been designated by one of their colleagues in the other House of Parliament, as felonious and almost treasonable, have, by such correspondence, approved of that language, in fact if not in words, and it will not be difficult to shew, that the noble Lord, the Chancellor of the Exchequer, has admitted the right of this meeting to enter into resolutions with regard to the non-payment of taxes, since he has condescended to allude to that subject in one part of his letter. So novel is this practice of corresponding with persons who set themselves in array against the Legislature of the country, and it must be so dangerous, that had not my gallant friend taken notice of it, it was my meaning to have called the attention of the House to the subject this evening. Of all men in the House of Commons, the noble Lord, the Chancellor of the Exchequer, is the last person who, I should have thought, would have entered into a correspondence with any individual respecting the Birmingham Political Union. That association was formed in the month of January, 1830—nine months before the Duke of Wellington quitted office—and it was declared in the resolution which accompanied the act of its formation, that

the Union was set on foot in consequence of the refusal of the House of Commons to inquire into the distress of the country. The noble Lord, and most of those who sit with him, for reasons which they explained to the House, thought it necessary to vote against the appointment of a Committee. When I mentioned this circumstance at the close of the last Session, I expressed my surprise that those who had voted for the inquiry, were now to be stigmatized as the enemies to the people, while those who had determined that no inquiry should take place, were to be considered as the monopolizers of all liberal sentiments. The noble Lord said, that he voted against such an inquiry because he was convinced that the Committee, if appointed, would have had its attention called to the question of the currency, and he, for one, was determined never to consent to any alteration in the existing circulation. The Birmingham Political Union was formed avowedly in consequence of those repeated refusals to inquire into the state of the country; and not a fortnight since a memorial was, he believed, presented from the Council of that body, to Earl Grey, entreating him to look into the question of the currency, and assuring him that the case was so urgent, that unless some alteration in it immediately followed, or was made concomitant with the measure of Reform, the petitioners feared that great disasters would almost immediately come upon the nation. With these facts before us, is it not surprising that the noble Lord should have corresponded with the Birmingham Union, or the Birmingham Union with the noble Lord? Upon what point do they agree? We may be told upon the Reform Bill; but, even upon that, we shall find that there are many differences of opinion between them. The noble Lord, the Chancellor of the Exchequer, is rather unfortunate in his avowals and disclosures: it was only the night before last that, to the surprise of many who heard him, in answer to the charge brought against him by the right hon. member for Tamworth, of attempting to gain popularity by bringing forward so strong a measure as the Reform Bill in its present shape, he protested against such motives, at the same time carefully turning off the attack by assuming that the right hon. Gentleman referred to popularity in the House of Commons instead of among the people at large.

And how did he proceed to prove this? Why, by telling the House that he was perfectly satisfied that, had the late House of Commons divided upon the first reading of the Bill, it would have been rejected by an immense majority. The noble Lord corrects me, I perceive, by saying "the first night." It matters not for the argument; the avowal, Sir, is all I want, because that avowal proves what his Majesty's Government have always been charged with—that they brought forward the Reform Bill knowing that it must be unpalatable, not only to the upper House of Parliament, but, as appears by their own confession, to the House of Commons which brought them into power. The noble Lord assures us, that it would have been considered too extensive had the first feelings of the House been acted upon; so that, in reality, the Ministry stood upon the ground of a projected popular excitement alone, when they ventured to bring this violent measure before the notice of Parliament previously to the late dissolution. At present they have a House of Commons pledged to support them, which is not surprising when we consider the mode in which the late Parliament was dissolved; but they find themselves opposed by such a majority in the House of Lords, as no Minister has ever encountered a second time; because the usual practice has been, to retire from office when a measure by which an Administration has declared that it will either stand or fall, has been rejected in so unceremonious a manner. I know of no instance of an attempt on the part of a Government to continue in power after such a failure, and this, notwithstanding all the excitement and the attempts at getting up meetings which have taken place since the Bill passed this House. The noble Lord admitted that last Session he set himself against the majority of the House of Commons, and now he joins the Birmingham Political Union in hostility to the majority of the House of Peers. This is not the way in which the King's Ministers have been accustomed to govern the country. When letters of this description are written to individuals who have expressly declared their intention of defying the laws, how can the Ministers who wrote them, venture with any show of justice upon strong and severe measures for putting down the attempts that may be made in consequence of this excitement? I would ask the noble Lords who sent

those letters, whether they are prepared to exercise the full powers of the law, or to employ that strength which the acknowledged institutions of the country and its statutes may afford. Take the question of refusing payment of taxes as an example; how will the Government act? Of course this can only allude to the assessed taxes, because, notwithstanding all the declamation that we have heard upon this subject the taxation of this country is so arranged that the malcontents cannot avoid payment except in the case of the assessed taxes, and the noble Lord might have well said to them, "Do not think of refusing the payment of those taxes, or you may oblige me to postpone the payment of a part of the dividends, which portion, perhaps, may belong to individuals resident in Birmingham, and be expended among the butchers, bakers, and others, of that town; so that you will lose as much as you will gain." I do not say that the noble Lord should have used language like this; but if he had thought it necessary to address the Birmingham Political Union in a deprecatory tone upon this subject of non-payment of taxes, such is the language that he might have adopted. But what has he done? He has alluded to that which was not in their letter to him—to the really factious part of the resolution passed at the meeting, and instead of avoiding all notice of such a subject, the noble Lord, the Finance Minister of the country, has almost admitted the legality of such refusal, and by noticing it, he has magnified the injury which it might occasion, even if it were legal. I am sorry that Ministers of the Crown should have condescended in the way in which the noble Lords opposite have done. It is the first time that such a correspondence has been entered into; I trust sincerely it may be the last. The noble Paymaster of the Forces says, he does not mean by the "whisper of faction," the majority of the House of Lords; may I then be allowed to ask—what he does mean? I know not what he can mean, unless that were the faction alluded to. Now, let us see this short letter; its brevity will admit of my reading it to the House without much loss of time:—"I beg to acknowledge, with heartfelt gratitude, the undeserved honour done me by 150,000 of my countrymen. Our prospects are now obscured for a moment, and I trust only for a moment." In this letter, the noble Lord, the sworn

adviser of the Crown, identifies himself under the word "our," with those whom he addresses. Is it not new to hear of Cabinet Ministers openly writing thus to a popular assembly, and venturing to keep office one moment afterwards? Now comes the important paragraph:—"It is impossible that the whisper of a faction should prevail against the voice of a nation." Who constitute the faction? What means "the whisper of faction?" What could the noble Lord have meant by using such language? Faction, indeed! Did he hear of any secret influence at Court—any private power of the King—any threat of dismissal from places about the King's person, used as arguments against the darling Bill of his Administration? Were certain sums of money given stealthily to Peers, to induce them to vote against it? Were hints or promises proffered about the raising or lowering the balls on certain coronets, increasing their number or taking some away, with a view of replacing them by strawberry leaves? Were any of these means used to influence members of the majority of the House of Lords to vote against the King's Ministers? I believe not; for these have generally been considered the weapons of an Administration. Where is the faction, I repeat? Is it to be found in the bench of Bishops, so much abused and calumniated even in high places, by persons from whom language of violence to dignitaries ought not to have been expected? The Bishops, at least, have hitherto been accused of being habitually subservient to the powers that be. Their crime is that of always voting with the Administration. This is the first time I have heard it imputed to them as a fault, that they have not supported Government; they have given a vote by which they had much to lose and nothing to gain—a vote which, at all events, cannot have added to their popularity, although it may have endeared them to those who are sincere in defending the Constitution of the country. If this faction is not to be found in the majority of the House of Lords, what unknown and secret cabal had the noble Lord in his head, when he made use of these words? Is the noble Lord certain that the cry in favour of the Reform Bill is the voice of the nation? Have we no test by which we can measure this? What does the noble Lord say to the contest now going on and nearly concluded in Dorsetshire? That was a county in

which, at the general election, and during the excitement of the last four months, a gentleman, greatly respected and well known to the public, was rejected, and a strong supporter of the Bill returned. Has the noble Lord a right to talk of the voice of the nation when we find in that county the Anti-bill candidate (I will not say the Anti-reform candidate) has as many—[cries of "more!"]—I will be satisfied with as many—as many votes as his opponent? I shall be equally satisfied whether Lord Ashley gains or loses this contest—it will be just the same thing either way for the argument, and that argument is, that at least the country is divided on the subject. When the country comes to look at this Bill with calmness, that which has taken place in Dorsetshire will take place all over England. That contest has been the first trial since the first excitement has subsided. I remember that before the election it was said, with much boasting, "No Anti-reformer will dare to show his face in Dorsetshire." The boast has been contradicted, and that contest shows the opinion of the people of that county, that the Government should alter and modify the Bill. I must know from the noble Lord whom he alluded to when he talks of a faction, and I must ask him, whether he does not deceive himself when he supposes that the other party are "the nation?" With regard to these riots that have taken place this day, I wish to ask the noble Lord whether he has observed that numbers of persons have appeared in the crowd with white ribbons round their arms, marked with the words, "National Union." Does he know of these general combinations, and does he not know that when general combinations took place in 1793, they were put down? and that when general combinations again took place in 1819, they were again put down? I ask him this, and I ask him, too, whether those who in Dorsetshire have shown themselves to be at least half of the people, will allow themselves to be silenced and intimidated by such combinations? The traitors, under whatever guise they appeared, were put down in 1793, and again in 1819; and I call on him to remember the fact. I do not mean to say, that the noble Lord intended to direct these attacks against any one in particular, but I say that he must and ought to have been prepared for them when he wrote such a letter. I say, too, that traitors, under whatever guise

they appear, must be grappled with, instead of being caressed. Those who are opposed to this Bill of Reform are accused of desiring to govern against the wishes of the people, and without any regard for their interests. I deny the fact. That which is called public opinion has, in this instance, been uttered by persons who are not capable of forming any opinion. The people ought to have liberty, and in no other country have they more than in this; they ought to participate in the advantages of the Government, and they do so. Yet we are put under the imputation that we who have voted against the anomalies in this Bill, have voted against all Reform and against all improvement. It is not true. We shall, no doubt, have to separate in a few days, and I hope that, during the time of our separation, the Ministry will have modified this Bill in such a way as to make it a safe measure, and that they will make it such a measure as will be consistent with the prerogatives of the Crown, the privileges of the House of Lords, and the liberties of the people. But when I see those hand-bills, fringed with black, pointing out by name the Peers who voted against the Bill, and thus marking them for the knife—when I see these things—when I see no police employed to put them down—I must suppose, that though the Ministers did not intend to create this excitement, they at least have the intention of deriving what benefit they can from the excitement itself. Though I do not say they wished to create these riots, still I must believe them too happy not to derive all the advantage they can from such proceedings.

Lord Althorp said, the hon. Baronet has made an attack on me for having written, as he says, a letter to the Political Union. I deny that I did write a letter to the Political Union—I wrote a letter to the Chairman of a meeting, which he said consisted of 150,000 of my fellow-countrymen, and which he stated in his letter to me had come to an unanimous vote of approbation of my conduct. I know not what may be the feelings of the hon. Baronet, but mine must be very different from what they are if I did not value the language of approbation from so large a body of my fellow-countrymen. I do value it highly, and when a vote of thanks is given to me in that manner, I am sure I shall never be the person who would disdain to acknowledge it. But what did I

say in that letter to which the hon. Baronet objects? I returned my thanks through the Chairman, for the vote of approbation which the meeting had given me, and profiting by that opportunity, I stated then to a gentleman whom I knew to be possessed of great influence among his fellow-townsmen, my strong wish and desire that he would use that influence to prevent the adoption of any unconstitutional and illegal measures. I said, it is true, that I thought the rejection of the Reform Bill was a serious calamity. I do think so. The hon. Baronet says, that by saying this I put myself in opposition to the House of Lords. Did I, by writing that letter, put myself in opposition to them? Was it not notorious before I wrote that letter, that I must be in opposition to them by my having supported so long and so eagerly a measure which the House of Lords has rejected? The hon. Baronet says, that the House of Lords did not exceed their privileges in rejecting this measure—I agree with him they did not; but if they have the privilege of expressing their opinion on any measure which may be brought before them, I have also the privilege of expressing my opinion on what they do with respect to any such measure. That opinion I have expressed, and I shall always be ready to express, and whatever may be the assembly, whether the House of Lords, or the House of Commons, or whatever other assembly may be against me, I have a right to hold my opinions, and to express them freely on all occasions. I do not see on what ground it is, that such a letter as I wrote, or such a letter as was written by my noble friend, can be in any way considered as exciting to riot, or to illegal practices. The hon. Baronet asks how I could write to a man who differed from me on the Question of the Currency—I am aware that Mr. Attwood does differ from me on the Question of the Currency, but is that a reason why I should not express my thanks to a meeting at which he presided, for their approbation of my conduct? The hon. Baronet, in his speech of to-night, puts me in mind of the speech which I heard from him in April last. He stated then, as he states now, that the opinion of the country was against us. The hon. Baronet stated then, the opinion of the country would be against us at the elections; on the present occasion I admit he does not go so far, but merely asserts that we have not a right to say, that the

opinion of the country is with us. I am astonished that a Gentleman possessed of his experience should still labour under such a delusion, and should still so far offer his wishes to get the better of his judgment as to make such an assertion—  
 that seeing what he does see, and hearing what he does hear, he should still think that the opinion of the people is not nearly unanimous in favour of the proposed Bill. I could not conceive it possible that such an attack as this should be made upon me; and I should have thought that my letter was as innocent a letter as ever was written; and I must say again, that any Englishman who should receive the thanks of a large body of his fellow-countrymen, and should disdain to acknowledge them, would act upon feelings contrary to any feelings I possess, or hope I ever shall possess.

Sir Richard Vyvyan said, the noble lord had quoted the language he was supposed to have used in April last, but the noble Lord had not quoted correctly. He (Sir R. Vyvyan) had then declared, that he thought the dissolution dangerous, because any Government would succeed by exciting the passions of the people on a subject similar to the Reform Bill. He held now the same opinions, and time had much opened many persons' eyes. The result of the Dorsetshire election was one proof of the truth of his former assertions and his present opinions.

Mr. George Bankes did not intend to call in question the discretion of the noble lord who had just addressed the House, but he must confess, that he entertained a very different opinion with respect to the letter of the other noble Lord; and viewing him in the situation which he now filled—that of a sworn Minister of the Crown—it must be admitted, that whatever might be the sentiments and feelings of that noble Lord, he should have withheld himself from expressing them to that extent, being a Crown Minister. It was much to be wondered at that he should write such a letter, still more that he should so far forget himself as now to justify it. They had this day seen the repetition of civil, which, at the outset of his career as Chancellor, the noble and learned Lord of the Woolsack had, in mistake of the law, stated not to be illegal. That noble and learned Lord had then stated, that the king in procession in large bodies with arms and devices was not illegal. As a

consequence of that doctrine, a Peer of the realm had this day been severely wounded by a mob. Let him guard himself from calling those who went up with Addresses to the King this day, a mob. He meant no such thing; but the circumstance of their going up in procession produced a mob. He was in the next house to that to which the hon. member for Middlesex came to join his colleague, and to put himself at the head of the procession, and the windows of the house in which he was were broken by the mob, who had assembled in consequence of the procession. The people of the procession were waiting for the hon. Members; for he happened, unfortunately in this instance, to have been behind his time, and while they were waiting, it was the amusement of the multitude to break the Earl of Bristol's windows. The words of men of rank and consequence were of importance, and with all their ability and desire for the public good, if they would speak or write in such a manner, they must produce a bad effect. He implored the noble Lord (the Paymaster of the Forces) to explain what he meant in the letter he had addressed to the Political Union. He (Mr. Bankes) must consider, that that letter was intended to include in the stigma of faction a part at least, if not the whole, of the majority in the House of Lords; and if it did include even a portion of that majority, he asked whether there was anything to justify such an imputation? The majority in the House of Lords was respectable, and showed what were the opinions of the Peers in spite of the late creations made for the avowed purpose of carrying the measure.

Lord Ebrington rose to order. He submitted that it was out of order for the hon. and learned Gentleman to speak of these creations as made for an improper purpose.

The Speaker said, that the hon. and learned Gentleman was not out of order, unless he said that these creations were an improper exercise of the prerogatives of the Crown. He had not said so, and the noble Lord by his objection seemed to assume that there had been an improper exercise of those prerogatives when he called the allusion disorderly.

Mr. George Bankes fully concurred with the opinion of the Speaker; but if the noble Lord thought the allusion disorderly—though he by no means entertained the same opinion—he would put himself into



the noble Lord's hands, and would withdraw the observation. He now came to the Dorsetshire election, and he was happy for the information of the other side of the House to inform them, that the numbers polled having exceeded what had ever been polled in any former election, Lord Ashley was now ten a head on the gross poll. That was the state of the tenth day's poll, and the contest might yet terminate in favour of the other side; but whether it did or not, it would equally disprove that which was called the unequivocal expression of the approbation of the country with regard to the Reform Bill. He ventured thus modestly to express himself as to the result of the election, because he found upon the canvass, that the respectable people of the county declared that they feared not the mob (for there was no mob in the county), but the vengeance of those whom no man could avoid or meet—incendiaries. He stated upon his honour, that respectable men whom he had canvassed said to him, "our hearts are with you, but if we should vote for you we should be in dread of incendiaries." If they lost the election, it would be from that fear, and that fear the letter of the noble Lord was calculated to create; for though it did not justify excesses, it went far to keep alive that fearful state of excitement now existing in several counties. He had called the opinion of the majority of the House of Lords "the whisper of a faction." He (Mr. Banks) would tell that noble Lord, that if that description were true, he would rather have with him the whisper of a faction than the clamour of a mob. No doubt the noble Lord would thank him for the opportunity thus given of stating what was the meaning of the phrase.

Lord John Russell said: The House will indulge me for a few minutes, as the hon. and learned Gentleman opposite has made such a call upon me. He asks me what is the sense which I put on the words of my letter? In the first place, as I have already stated, I deny any intention of calling the majority of the House of Lords by the name of a faction. The House of Lords has as perfect a right to reject the Reform Bill as this House has to approve of it; but I conceive that there may be factions in both Houses of Parliament—that they, instead of examining a measure, and weighing its advantages and disadvantages, may look to their own advan-

tages and their own ends, as a faction; and I conceive, that when there are numbers on one side and on the other, the whispers of a faction combined together may have the greatest influence on those who are disinterested. That, I conceive, may take place in any house or body of men; and without again referring to the House of Lords, which I do not wish unnecessarily to make the subject of discussion, I will say, that that is what did take place in this House of Commons previous to the dissolution, when there was a majority against the Ministers, not upon a consideration of the merits or demerits of General Gascoyne's motion, but obtained by the work of faction. I will not, as I said before, enter into the conduct of the House of Lords, as the discussion in one House of the proceedings and votes of another is most inconvenient; but I must and do say, that the opposition to the Reform Bill was, in many quarters, conducted with the spirit of faction. Many hon. and right hon. Gentlemen opposite talked of ours as a profligate measure, and of our conduct as wicked and profligate in producing it. Was not this somewhat like the language of faction? But what is faction? Dr. Johnson has given the definition under the words "Whig" and "Tory;" and the only fault I should find with the definition in the present day is, that the meanings given to the two words in his Dictionary ought to be reversed. Under the word "Whig" he writes, "the name of a faction;" and under the word "Tory" he says, "one who adheres to the ancient Constitution of the State and the apostolical hierarchy of the Church of England, opposed to a 'Whig.'" If so grave a man as Dr. Johnson, in his Dictionary of the English language, can thus advisedly, and upon consideration, use the word faction as applicable to a body in the State, I know not why it may not be permitted to me to say that now the definitions ought to be changed, and that Whigs are those who wish by Reform to restore the old Constitution of the State, and that Tories are the faction banded in opposition to them. Till this day I did not know that there was anything culpable in a large meeting giving a Minister their thanks, or in his acknowledging the honour. With regard to the creation of Peers, to which the hon. and learned Gentleman (Mr. George Banks) has alluded, he must know that there was

creation at the Coronation of George 4th and that there was the same number, or only a small number less than created than were created at the time of the Coronation of William 4th. And I must say, besides, that I know not if any Member of this House has a right to complain of the creation of Peers, if the prerogative of the Crown has been exercised in the same manner that it has always before been exercised on similar occasions; and I believe that if the hon. and learned Gentleman pleases to make a motion on the subject for blame to the advisers of the Crown, or advising this exercise of prerogative, he would not find any supporters. Nor is it at all wonderful, or at all out of the course, that those who are now in power, believing the measure of the Reform Bill to be necessary to the safety and advantage of the country, have advised his Majesty to confer the honour of the peerage on those who were known to be in favour of that measure, in the same manner as those in power at the time of the Coronation of George 4th advised his Majesty to adopt the same course with respect to those who were favourable to the measures they were then pursuing. Yet, notwithstanding all this, I know not how the accusation can be brought against us that this creation was for the expressed and avowed purpose of making a majority in favour of the Bill. I can only say for one, I never expressed or avowed such a purpose; nor do I believe that there has been any such avowal on the part of my right hon. and noble friends. The hon. and learned Gentleman has spoken of the Government as wishing to take advantage of the excitement. On that point I must say one word: the rejection of the Reform Bill I considered as a serious calamity, not so much as endangering the final success of the measure—for I do not think it will be endangered—but on account of the excitement to which it was sure to give rise. It is the duty of those who are his Majesty's advisers—it is the duty of the Secretaries of State—to endeavour to calm, to allay excitement as much as possible, and to prevent any tumult of this kind; and, indeed, to use their utmost efforts to put down such tumults. To the Ministers of the Crown, therefore, so far from these tumults and this excitement being an advantage of which they wish to avail themselves, they are a great disadvantage; for it is necessary that peace should be completely pre-

served, in order to give effect to the measure of the Government. If they thought that peace would be better preserved by their not being in office, they would be happy to retire; for there would not then rest on them the responsibility of maintaining it, now created by the rejection of the measure. It is a painful and a difficult situation for a Minister to be placed in, to recommend a measure which is so much to the satisfaction of the country, and then afterwards to be charged with the duty of allaying the dissatisfaction which the rejection of that measure has occasioned. That is a situation which no man can covet—no man can envy; but it is the situation in which the present Ministers feel themselves compelled to remain, thinking, as they do, that their retirement, so far from occasioning a cessation of irritation, would be the signal for the renewal and extension in a more serious manner, of those excesses which have this night been so much deplored. I am not responsible for the discussions that have been raised to-night, and I cannot allow it to be said, that I, or any of my colleagues, am in any way chargeable with having occasioned the excitement that now exists. After the explanation I have given, I am ready to bear any blame that the hon. Gentleman opposite may think attaches to me.

Mr. Goulburn concurred in the observation which had fallen from the noble Lord, that it was the duty of every one not to add to the excitement which at present prevailed out of doors; and he trusted that, whatever remarks might fall from him, they would not be attended with such an unfortunate effect. The noble Lord (the Paymaster of the Forces) had vindicated one paragraph in the letter which had been brought before the attention of the House, on grounds which he considered most extraordinary—extraordinary, if assumed by any Member of that House, but ten times more extraordinary when assumed by a Cabinet Minister, of whom the tranquillity of the country ought to be the peculiar care. He was not present when this discussion commenced, because, in attempting to reach the House, he had been overborne by an assembled multitude. How had the noble Lord attempted to vindicate that part of his letter in which he spoke of “the whisper of a faction prevailing against the voice of the nation?” The noble Lord had forsooth referred the House to Dr. Johnson's definition of the

word "faction." Did the noble Lord really see no difference in the use of that word by an individual writing a dictionary, and by a Cabinet Minister? The words of the noble Lord, if unexplained, would naturally seem to apply to the majority of the House of Lords; and he thought that the noble Lord must be sensible of the indiscretion into which he had been betrayed; but he could tell that noble Lord, that it was useless to try to escape from that indiscretion by a reference to a lexicographer. The noble Lord said, that he did not mean to designate the majority of the House of Lords as the "whisper of a faction," but he understood the noble Lord to state, that part of the majority were factious. Was it, he asked, proper for a Cabinet Minister to hold up to the multitude of Birmingham, that part of the majority of the House of Lords were influenced, not by their own conscientious opinions, but by factious motives? And to whom was the noble Lord's letter addressed? To the Chairman of a meeting of 150,000 persons, who, at the time the noble Lord was writing, had not met to deprecate the actual decision of the House of Lords on the Reform Bill, but to induce that House to pass it by a display of numbers, and by the employment of threats. The noble Lord might wish to prevent excitement, but he had taken an unfortunate course to secure that object.

Sir *Adolphus Dalrymple* said, that he had been present at part of the transactions to-day. At about three o'clock he was riding in Hyde Park, when he saw a column of people approaching, headed by a person with a white flag. The main stream passed the bronze figure, and had gone by the house of the Duke of Wellington, when some mischievous person threw a stone, and others then followed his example, while the crowd halted and stood looking at what was passing. He had also watched them, and for about a quarter of an hour about twenty men and boys were pelting his Grace's windows. Those who were following the white flag, at least took no steps to prevent this outrage; and when they were tired of standing they began to move away, but not until a cry of "police" had been raised, and the people began to disperse. He then waited upon Colonel Rowan, and represented, that, considering the situation of his Grace's house, there ought to have been a detachment of police there to protect it;

but Colonel Rowan gave him an explanation which showed that the police force was so posted in various directions, that the men could not be spared for that particular duty. That explanation had appeared entirely satisfactory to him, and he said so, that no undeserved blame might attach to the heads of the police establishment. He had risen to state these facts; but, as he was upon his legs, he might add, that he was entirely satisfied by the explanation of the noble Lord, the Chancellor of the Exchequer; but he could not say that the attempt of the same kind by the noble Lord, the Paymaster of the Forces, had produced at all the same favourable impression upon his mind. The insinuation certainly was, that the majority of the House of Lords was a branch of a faction. He would ask whether the noble Lord had never heard of a Government being supported by a faction?

Sir *Charles Wetherell*: The noble Lord has said, that I called the Reform Bill a profligate measure, and he in a manner challenges me to repeat the term. I certainly said that it was jacobinical and revolutionary, and therefore, perhaps, the inference may be that it is profligate; but, in the course of the many discussions, I did not use that word. Such expressions as I did employ I am not disposed to withdraw, and what I have said I usually stick to. I beg leave to observe, that never on any occasion did I cast out the slightest imputation against the abilities or conduct of the noble Lord. At present I am dragged into this discussion; I am dragged into it by the noble Lord, and being dragged into it, I must say, that two more improper letters, bearing the signatures of Cabinet Ministers, were never written than those signed Althorp and Russell. I give my opinion on them, not as a volunteer, but because I am dragged into the discussion by the noble Lord. If I address myself to a lawyer, if, indeed, Ministers have a lawyer among them, I shall be told that a meeting of 150,000 persons, assembled under certain symbols of concert, according to the undoubted decision of constitutional lawyers, is a misdemeanour. If an authority be required, I will refer the lawyers, if any there are on the other side, to Lord Chief Justice Holt, who has held expressly, that 'an array of people, consisting of unusual numbers, congregated together is a terror, and as it were an assault upon the people.' Those

the words of one of the most learned and enlightened constitutional lawyers that ever sat in Westminster Hall. What are the facts? After the rejection of the Bill by the House of Lords, two of the King's Cabinet Ministers take it into their heads to write letters to the Chairman of a public meeting; I was not in the House when the question was put regarding the letter of the noble Paymaster of the Forces—I did not hear the accusation, but I heard the defence, and that defence seemed to me most unfortunate. If it were written from inadvertence (a word, by the way, not unknown to the Cabinet)—in a moment of haste, and in the overflowing of the gratitude of the noble Lord for the support rendered to him and his friends, he might have told him so: but no, he deliberately rests upon his defence, which turns out to be, not a satisfactory answer, but a metaphysical sophistication. Then he punts us, forsooth, with being Tories, and he tells us how Dr. Johnson defines the words "Whig" and "Tory;" but if the noble Lord quote one page from Dr. Johnson, I may be allowed to refer to another, and elsewhere I find that great authority giving it as his opinion, that the "Devil was the first Whig"—I do not say so; it could be irregular and unparliamentary in me to say it, but I may, after the example of the noble Lord, back myself by so great a literary authority. As I said before, I did not mean to have taken part in this discussion, but I am dragged into it; and of the letter of the noble Chancellor of the Exchequer I must observe, that it seems to me grievously improper. What does he tell the people?—"Pray do not be violent—do not refuse to pay taxes;" and why are they not to refuse? Not because it is against the law, and because they will expose themselves to certain punishment, but because they will endanger the success of the Reform Bill. "Do not," says the noble Lord, "endanger the success of that measure by virtue of which we retain our places in his Majesty's Councils." This was very sensible advice of the noble Lord, as far as regarded his own interests. The noble Paymaster of the Forces went into other topics, which I shall not pass over, as I mean this night to give notice of a motion. Among other things, he tells us, that he hopes the debates this evening will preserve the tone of moderation of the other night. Let me ask the noble Lord whether he alludes to

the speech of the hon. and learned member for Calne, whose sentiments were so heartily adopted by the Ministers? That hon. and learned Gentleman told us, among other moderate sentiments, that the law did not depend for its virtue and efficacy upon its own vigour, and that it was merely a dead letter, unless supported by the strength of public opinion—in other words, that public opinion is the law, for law is not the law without it. That doctrine, I remember, was vehemently cheered by his Majesty's Ministers—by the adherents, I may call them, of the hon. member for Calne, although, perhaps, I may not call them a faction; he contended and they admitted that the *arbitrium popularis auræ* was the only law of the land. Then the noble Paymaster of the Forces, with his milk and water executive Government—his lemonade and orgeate Ministry—talks of the destruction of the palaces of the nobles of the land: when he spoke of the acts of violence and insurrection against Peers of the Realm and their property, surely he might have picked out a little stronger phrase from his vocabulary than the admission that it was the duty of the public authorities to calm the popular excitement. I say that it is the duty of Government to suppress and to punish—to exert the strong arm of the law in its full force; and I refer the noble Lord again to his dictionary to find some form of words that may convey that such acts of criminality shall be met by adequate and condign punishment. I say, and I say it without fear of contradiction, that Government have connived at the acts of violence encouraged by their own organ, the leading journal *The Times*, which has been daily exciting and irritating the people. I remember that the hon. and learned member for Calne told us the other night, that the law officers of the Crown were but as rusty nails; it seems but too true, that they are as inefficient as they are decayed; and when the bill for giving a retiring pension to Mr. Abercrombie, Chief Baron of the Court of Exchequer in Scotland, shall come before this House, I shall beg leave to tack his Majesty's Attorney General by way of rider to it. Sure I am that no man better deserves to retire, although whether he deserves a pension for retiring, may be another question. I think that the country would not lose much by paying him for dispensing with his services. When I see these excitements and provoca-

tions to violence and burnings in papers that are friendly to Ministers, I can only suppose, by no great stretch of fancy, that the office of his Majesty's Attorney General is vacant. Out of doors I know that there are many who distrust Government at the present crisis; and in doors, I, for one, in a tone as loud as I can raise, will assert that I distrust it. I do not see opposite—yes, I do see opposite—the right hon. Under-Secretary for the Home Department, against whom no complaint can be justly made for what he has either said or done in connexion with the Reform Bill. I entertain the highest respect for the talents and firmness of mind of the noble Lord at the head of that department, and perhaps intelligence of what has just passed at Nottingham has not yet reached the Home Office; but, let me ask, would the noble Paymaster of the Forces recommend merely calmness and soothing syrup for the popular irritation, if Woburn Abbey had been burnt down instead of Nottingham Castle? The destruction of the noble Lord's ancestral mansion would, I apprehend, occasion some trifling ripple upon the glassy surface of his temper, however he may talk of moderating public excitement and calming the public mind. It may be very well for him to endeavour to induce us to believe that what we witness is only a transient feeling—the mere inflammable gas and fumigation of the moment, but would not his equanimity—his imperturbable spirit—his unshaken nerves be a little discomposed if he were told that a lawless mob had destroyed one of the mansions belonging to his own family—this, too, merely because his noble father had ventured to discharge his duty in his place in Parliament? The four Ministers I see opposite would not tell the truth if they said that their minds would remain tranquil, while the torch was set to the palaces of any of their noble supporters. Yet, as the attack has been made upon the property of their opponents, this is the calmness, this is the equanimity, the noble Paymaster of the Forces wishes to be preserved.

Lord John Russell: I know not whether the hon. and learned Gentleman heard me, but what I said was this, "That the attack upon the house of the Duke of Wellington and other similar transactions, nothing could induce me to palliate or excuse.

Sir Charles Wetherell: I do not quarrel with the words of the noble Lord, but I

contend nevertheless, that the expression does not keep pace with the spirit of the times. I beg to ask the right hon. First Lord of the Admiralty, who has just taken his seat, whether, if a ship had been wrecked in a tempest, he would talk of it as a calm? Then I maintain, that if Government have not been exciting these proceedings, they have been conniving at them. The noble Lord, in his most improper letter, tells the people, Be tranquil, not because you will break the law, but because you will defeat the Reform Bill: this is the respectable logic—this the statesmanlike principle—this the dereliction of duty—for I can use no less forcible expression—contained in the two letters to the illegally constituted Birmingham Union. I have felt called upon to say, that I do not confide in the exertions of Government to suppress disturbances; and what is more, I do not believe that the public confide in them: on the contrary, I am persuaded that my opinion is the general opinion, and that Ministers will use the disturbances, as the vehicle and means of carrying their Reform Bill; and in proof I vouch the letter of the noble Lord. Having become acquainted with what has passed at Nottingham, it is my intention—I fairly say it—I avow it—I do not meanly and dirtily whisper away my words—to give notice of a motion on the subject. I do not believe that Ministers will boldly, manfully, and energetically use the constitutional powers in their hands to control and suppress these scandalous and anti-social outrages. Believing it I will say it, and saying I will adhere to it. I cannot regularly move at present, and therefore I shall give notice, that I will to-morrow move an Address to the Crown, praying that a Special Commission may be issued to try the offenders concerned in the outrage of burning down Nottingham Castle, the property of his Grace the Duke of Newcastle, and concerned in the other disorders committed in that neighbourhood. I came down to the House for the purpose of giving that notice; but as the noble Lord has called upon me, I have shown that I am ready to meet him. I am ready to state in strong terms—in unmeasured terms—in strong and unmeasured terms—that Government, in permitting the attack, not only upon this House but upon the other House of Parliament, and upon the property of private individuals, have yielded to the most il-

legal threats and intimidation, at the daily propagation of which Ministers have purposely and sedulously connived. It is held by every moral and legal writer, that there is as slender a distinction as the noble Lord has drawn regarding his word "faction" between the Magistrate who connives at a crime and the offender who commits it; and although I cannot regularly give my notice of motion now, I can enter into the subject [cries of "Question"]. I do not know who calls "Question," but whoever he be, he will call it in vain: he may put it in his pocket until I have done: he may keep it in *loculo*, to be produced at a more convenient time. I have said that the Duke of Newcastle's mansion has been burnt down merely because he voted against the Reform Bill; and let the noble Lord know, that by a happy convertibility of public opinion, which changes with the utmost rapidity, and without the possibility of control, the attack even upon Woburn Abbey may not be long postponed. At present the Duke of Newcastle's property has been destroyed, because he is the enemy of Reform: to-morrow the property of the Russells may be assailed, because they are friendly to it. I need not remind the noble Lord, that there is a vast body out of doors who look with as much contempt on this 10*l.* clause as I do upon the whole measure: *proximus ardet Ucalegon*, and Tavistock Abbey, Althorp House and Chatsworth, may be among the next to be sacrificed.

Sir John Wrottesley spoke to order, on the ground that the hon. Gentleman was pointing out places to be the objects of popular fury.

The Speaker concurred that such might be the effect, and that it was, consequently, out of order.

Sir Charles Wetherell: I do not apprehend that the people—the tide of the mob—the "turbid flowing base"—will need my information if they at any future period should have a spark of fire for any of those splendid fabrics: but I think the objection of the hon. Baronet would have come with much more fitness during the speech of the hon. and learned member for Calne on a former night, for whose incitements he seems disposed to have so much charity. I was going to conjure Government not to act on the inferior principle of soothing popular passion and calming irritation, but at once to take offenders into custody, and to punish them.

For this purpose I would remind the noble Lord and his coadjutors, that those who are now friendly to Reform, may hereafter be its enemies; and that the smallest change in the wind of politics will blow the flame from the mansions of their opponents to their own. When revolution begins, no man can tell where it will end, nor whose property may be sacrificed to the alternations of popular fury; and every man who thinks differently from me on such a point may have the brains of a cockcomb, but not the intellect of a man. I repeat, that out of doors no confidence is felt that Government will exert due and legal means to preserve the peace of the country and the property of individuals.

Mr. Stanley: I am sure the House will feel, that no man connected with the present Administration—serving his Majesty at a time of peculiar danger—at a time when, I will venture to say, no other Administration could be formed that would possess sufficient confidence in the country to carry it through its difficulties—could be expected to restrain the feelings of indignation which now agitate my breast at the outrageous attack of the hon. and learned Gentleman. However unnecessary for the satisfaction of the country, and however impossible it may be to convince the hon. and learned Gentleman, I may say, for one and all the members of the Administration, it is due to our characters, as men filling responsible situations, to repudiate, as utterly unworthy of him to have made, and of us to endure, the imputation he has thrown out—that we have encouraged the outrages to which he adverts.

Sir Charles Wetherell: I said that Ministers connived at them.

Several Members: Promoted them.

Mr. Stanley: If any man had told me that the hon. and learned Gentleman, upon this or upon any other topic, in the utmost violence of political and party spirit, would have so far deviated from calm and measured expressions, I certainly should not have believed him; but that he should profess to abandon all restraint—should boast of using strong and unmeasured terms—did indeed astonish me. These, too, from the beginning to the end, were directed to such a perversion of the facts of the case, and of the speech of my noble friend, as nothing in my mind could warrant. The hon. and learned Gentleman complains that Government uses pal-

liatives, and endeavours to calm the popular excitement, and that the use of these was not justified at a time when the laws ought to have been enforced and the guilty punished. Did my noble friend say anything like it? He addressed temperate language before any burnings had been commenced, before any individuals had been attacked, to a gentleman who had been the chairman of a great political Meeting, and at a time when it was the duty, not only of the executive authorities, but of every sincere lover of his country, to allay irritation and to prevent the display of popular excitement. The object was, to prevent that exhibition of public feeling which might be naturally expected after the rejection of the Reform Bill. Next the hon. and learned Gentleman objects to the course of the argument—if argument it may be called—which is confined to a single line in the reply of my noble friend. A letter was received, stating that a large body of people had been collected—not the Birmingham Political Union—but of 150,000 inhabitants of Birmingham and the neighbourhood, convened to express their sentiments on a public question, as, I believe, they had an undoubted right to do: the same letter conveyed to my noble friend the approbation of his conduct, and they might have added of the temper he throughout displayed. Is it disputed that alarm had been excited, and that my noble friend's reply was calculated to allay the spirit by which the apprehensions were produced? Its object was, to prevent those acts of illegality which no man can palliate or defend, and which are perhaps more difficult to be controlled than open violence. The hon. and learned Gentleman says, that my noble friend should have threatened the terrors of the law—that the full power of the Government should have been enforced; but I will venture to say, that no man but the hon. and learned Gentleman ever supposed that when the occasion arose the full power of Government would not be enforced. The object, in the first instance, was, to allay the irritation, which might lead to breaches of the law. To presume that there would be any necessity for enforcing the law in its rigour would have been to encourage the evil which the hon. Gentleman so justly deprecates. Is there any thing degrading, unwise, or intemperate, in the letter of my noble friend—any justification for the perversion

of it by the hon. Gentleman? If my noble friend had said “we must use calm language and endeavour to allay excitement,” after the burning of Nottingham Castle and other outrages, the hon. Gentleman would have had some pretence for his accusation. But, Sir, the time is not long past when acts of incendiarism were rife in the country, and when there were Ministers, who not only did not suppress the outrages, but abandoned their posts, and left it to their successors to control the tumults which had already attained an alarming height. Those successors did control and put down the incendiaries; and are they now to be attacked by the hon. Gentleman opposite, in the face of the country, with a charge of encouraging and conniving at acts of violence and incendiarism? It is impossible to express the abhorrence which every man feels at such acts; and it is most unjust for any man to charge the members of his Majesty's Government with being indifferent to them. It will be time enough for any man to make so heavy an accusation when he shall have seen that the Ministers have not put out their utmost force to repress tumult and disorder, using only the language of persuasion, and not availing themselves of the means with which the laws and the Constitution have provided them.

Mr. *Spencer Perceval* said, though he could not approve of the conduct of his Majesty's Administration, he begged to keep himself aloof from the sentiments which had been uttered by his hon. and learned friend below him (Sir Charles Wetherell), so far, at least, as the charge that hon. Gentleman had made against his Majesty's Government of being indisposed to put down those illegal proceedings against persons and property; but he also wished to stand aloof from any thing like an approbation of the letter which the noble Lord opposite (the Chancellor of the Exchequer) had addressed to the Chairman of a public meeting. In his opinion, that noble Lord should have paused before he expressed his satisfaction at receiving the praise of that meeting, when he had before him the resolution it had come to of resisting the law of the land. The noble Lord should have put forth the power, or, at least, the remonstrance of the Government, and he ought to have remembered that even the moral reprobation of a good subject would have its influence on mis-

and people. The moral censure of a man must have a great effect on his creatures, and those who are induced with the conduct of public affairs should not have hesitated to use it at this point, in order that they might be saved the necessity of resorting to stronger means. He was no lawyer, but he thought the processions which they all witnessed that day were illegal, and he would to know why his Majesty's Government did not take steps to prevent them, promulgate all over the town proclamations from the King, declaratory of the law of the land; and then those individuals who persevered in breaking it could easily be held in hold of, and the arm of the law would be directed against the principal offenders. It appeared to him that this would be a safe course, and that the enormous collection of large bodies of people would have been prevented.

*Hon. Member* thought that too much angry language had been used in the course of that discussion. He thought it might, perhaps, have been better if his noble friend (the Paymaster of the Exchequer) had avoided the use of so offensive language as "faction," and that he had not designated the opposers of the Bill as a small party; and he had no doubt that all which his noble friend meant to say, was, that a small party stood against the just wishes of the people. He would take that opportunity of assuring the hon. member for Corfe Castle that the progress of the election in the county of Dorset was not to be taken as a test of the opinions of the country at large upon the question of Reform. It was to be remembered, that county was, to a very great extent, in the hands of persons who had long put themselves the determined supporters of a system of corruption: and he thought that, great as was the influence of those persons, if the decision of the House of Lords had sooner been known to that effect, the state of the poll would have been very different. But it could not be pretended that there was any change of opinions of the people at large upon the question of Reform, unless, indeed, it was that they were more than ever desirous of the success of that great measure; and as satisfied that the course pursued by His Majesty's Ministers was the only one by which the peace of the country could be preserved.

*Trevor* said, that having witnessed

the dastardly attack made on a noble Lord, the Marquis of Londonderry, on his coming down to the House of Lords to-day, he could not allow the present discussion to pass without making one or two observations thereon. He thought that the commission of this outrage was a bad specimen of the means taken to keep the public peace. And if any noble Lord or hon. Member, in coming down to his duty was to be subject to the attacks of a lawless mob, merely because he had given a conscientious vote, to be, not only grossly insulted, but to have his life endangered, the consequences might be most fatal. The result must be, if such breaches of the peace were now tolerated, excited as they were by a base and wicked Press, that the hands of the mob would be imbued at last in the blood of those who had opposed themselves to a Bill which he considered to be one of the worst that had ever been brought within the walls of Parliament. The town, from one end to the other, had been all day occupied by a lawless and bloody-minded mob, ready to attack all those who would not administer to their evil passions. The counties of Derby and Nottingham were also subject to the riotous proceedings of lawless assemblages, who went about destroying property. The country was altogether in a state of great peril, and it was incumbent on Ministers to act with firmness and vigour, and repress all such outrageous proceedings.

*Mr. Hume* regretted, that persons who entertained such opinions of the dispositions of the people as those expressed by the last speaker, should take so much pains to excite them. Nor did he think anything could be more calculated, except such language, to urge the people to a vehement expression of their feelings, than the declaration of the hon. member for Corfe Castle, that they had become less desirous of Reform. But from what did that hon. Gentleman infer that there was such a change of opinion? Had there ever before been given such proofs of universal agreement upon any question? Was it ever before known that all the shops in a large district of the metropolis had been closed, and that all business had been suspended, for the purpose of affording to the inhabitants an opportunity of showing that their opinions were unchanged, and that their zeal was not abated, but had been increased? Whatever violence had been



committed, from the dawn of that day to the close, was not to be attributed to the great concourse of respectable persons who accompanied the deputation with an Address to the King. No individual suffered the slightest molestation from those who took part in the procession [*cries of "the Marquis of Londonderry," "the Duke of Wellington," "Lord Bristol," from the Opposition Benches*]. The deputation which went up with the Address to his Majesty were not to be charged with the acts of those who crowded about the Houses of Parliament. Such crowds were always assembled upon remarkable occasions, such as the visits of the King to the House of Lords. But the real cause of such manifestations of angry feeling upon the part of assemblages of the people was, the irritating language that was used in reference to them. Was it to be wondered at that they should be enraged at being told that they were bloody-minded fellows? Would not such language excite the anger of any set of men? He had thought that the day was passed when men, who had attained the age of the hon. Gentleman who last addressed the House, could allow themselves to be carried so far by their passions beyond the bounds of Parliamentary discretion. If any number of those who accompanied the deputation that day with the Address to his Majesty had allowed themselves to be raised to such a pitch of fury as the hon. and learned Gentleman below him, what would have been said of them? The feeling of the people in consequence of the rejection of the Reform Bill by the House of Lords, was unparalleled in unanimity in the history of England, and never, in such a state of excitement, had there been so much discretion manifested. Did the hon. Gentleman, who attributed any excesses which had lately been committed to the supineness of his Majesty's Ministers, mean to deny that there had been fires before? Did he mean to deny, that there had not been more during the late Administration, the Members of which were now sitting on that (the Opposition) side? Nothing but the spirit of faction, or at least of a party which was engaged in the pursuit of personal and selfish objects, could have drawn forth the language which he had that night heard from hon. Members near him. Did not the hon. Member who spoke last designate the people of England by a name which no man had ever before heard

applied to them—a bloody-minded mob? Was it to be wondered at that they should be enraged when the report of such a calumny came before them? No man more than he, could regret the violence which had been done to the Marquis of Londonderry. He repeated, that no man could regret it more than he did. Nothing could be more contrary to the advice which he had always given to the people, and he would add, that nothing could be more contrary to the feelings of the great mass of the people themselves. He should now be able to say to them, "Here is proof of the goodness of the advice which has been given you; look to the consequences of the weight of that advice by a few violent men among you; your enemies have no other means of throwing imputations upon the intentions of your friends, and upon the cause for the success of which you are anxious, but by exciting you to violence." It was plain that no opportunity of excitement was to be neglected; for the House had been that night occupied by a violent discussion about two letters, which contained nothing objectionable, and afterwards about trifling disturbances. Why, were they not trifling?—were they not trifling, he asked, compared to what had happened in times of less general excitement? For his part, if his exertions could have prevented it, there should not have been one pane of glass broken from one end of the kingdom to the other. Yes, he had been always most anxious to prevent the slightest violence, because he knew what use would be made of any accidental tumults by the enemies of the people to cast odium upon the supporters of Reform. He had been most anxious to prevent the people from hurting a hair of the head of the most violent Anti-reformer, and he should be most happy to see such a man walking unmolested through crowds of the people, that he might be able to congratulate them upon their moderation to those who were withholding from them their rights. He did not wonder at the efforts of those who had rejected the Bill, to retain their unhallowed power. When he looked around him in that House, he saw enough to account for the tenacity of those persons. Were those who sat around him the Representatives of the people [*cries of "They are!"*]? He denied it. There had been too many proofs that they were not. They were the delegates of a few Peers.

Were the people, then, to be blamed for manifesting some indignation when they saw their rights withheld by a handful of men—by a mere faction? And here he must say, that he was sorry the noble Lord who had applied the term faction to that small party should have attempted to explain his words. He much more approved of the course adopted by the hon. and learned member for Aldborough, who did not attempt to explain away anything which he might have said, however violent. What else was there opposed to the voice of the nation but the whisper of a faction? What else were the 199 Members of the other House, and the 240 Members of that House who resisted the wishes of the people, and who had disappointed their hopes, but a very small faction, as compared to the whole nation? He, therefore, thought that the noble Lord could not rightly have designated them otherwise. He thought the hon. Members upon that (the Opposition) side, had adopted the most effectual means that could be devised to produce mischief; but he would not, therefore, say that they connived at the mischief; nor did he think it possible that any man could really think what the hon. and learned Member said, who accused Lord Grey and the other Members of the present Administration of conniving at stratagems, or of willingly permitting them. With what feeling could it be supposed that they should act so basely, occupying so high a station, and enjoying the confidence both of the King and of the nation? What! would hon. Gentlemen venture to say that his Majesty's Ministers did not enjoy the confidence of the people? And they did not he should be glad to know how would? Would the hon. Gentleman who cried hear, hear! or his friends enjoy the confidence of the people? On the contrary, was it not the fact, that in the present state of the feelings of the people, they could scarcely venture to show their heads out of doors? What did that state of feeling arise from? Did hon. Members would him suppose that his Majesty's Ministers had been able to inspire that degree of horror with which the people regarded the party opposed to the Ministers, and with which they would regard any party that should now come into power in their stead? And if not, what were these peers about? To what more did all that the hon. Gentleman complained of amount than the spontaneous expression of that

feeling with which Englishmen must regard those who deprived them of their rights? Meetings had been held in all parts of the country, declaring the earnest hope of the people that his Majesty would retain his present Ministers. Could any man suppose, that those meetings had been occasioned by any other than the spontaneous and unanimous feeling of the people? Blind must they be who assented to such a supposition. Blind must those around him be, and ignorant of what was passing throughout the country, and unable to take warning from the lessons of experience, if they supposed that such spontaneous manifestation on the part of the people had occurred only by the connivance of the Ministers. But the fact was, that their only hope was founded in the belief that they had to deal with a nation of weak-minded men, who were to be excited by words of exasperation and violence. He hoped, however, that the people of England had too much good sense to be influenced by the rash language of any hon. Member who would venture to call them bloody-minded men. For his part, he had found them reasonable men, when they were addressed in the language of reason. But it could not be expected that they should be content to be denominated as they had been that night by an hon. Member below him. He was sure that such language as that hon. Member employed was likely to be attended by the most disastrous consequences. The public interest—that is, the interest of the people themselves—required that order and peace should reign. He could not hesitate to say, that the struggle which was at present being carried on was unequal; but neither could there be a doubt that the struggle must be carried through. Considering the situation in which the Peers were placed, he only wished to carry conviction to their minds. He did not deny that they had a constitutional right to reject or adopt the Bill; and all that he had to regret was, that they had chosen such a course. He was therefore anxious that time and events should satisfy them that they were mistaken when they said that the people were indifferent to Reform, and that they would, consequently, alter their course. In the question upon which they had to decide, they were not disinterested judges. They were personally interested in supporting the old borough system; and, unfortunately, the law had

given them the power to decide in their own case. When the peace of the country was endangered, and a handful of men—a faction—could stand out against the wishes of twenty millions, it was not to be wondered at that exasperating conduct and offensive language should lead to violent results. He heard hon. Gentlemen calling on his Majesty's Ministers to put down the rioters, and to prevent acts of incendiarism, as if those Gentlemen themselves did not know, of their own experience, that it was impossible to prevent those occurrences which suddenly arose from accidental causes of excitement. They had occurred in all periods of our history, and at no time had they been more frequent than in October last, when his Majesty's present Ministers could scarcely be blamed for them. Why did not hon. Gentlemen near him come forward then to accuse the Government which was then in power. Was it because the objects of the incendiary's rage were then only corn-stacks, and farm-houses, and barns? Were these of no consequence? But now, when an old castle, or rather the occasional lodging-house of a Peer—for it was magnified, to give greater importance to the outrage—when the hem of the garment of the Duke of Newcastle was touched, the Government was held responsible for not having prevented the accident. To make so marked a distinction between outrages upon the property of farmers, and those that were committed upon the property of Peers, did not seem to him to be equal justice to the high and the low. But if the people would take his advice, they would not give to their enemies the triumph of a single pane of glass being broken; and by that course they themselves would triumph more than they could by resenting the exasperating language with which their enemies chose to tempt them. In the large assemblage of his countrymen which he had that day had the honour to meet, there were men as much distinguished for talent and as respectable on account of property as any man in that House; and their sole anxiety was, to preserve tranquillity. He could not, therefore, patiently bear them accused as rioters, and the Government blamed for not publishing proclamations to prevent their assembling. The course which the hon. Gentleman below him (Mr. Trevor) would recommend—that was, to prevent such meetings by the King's proclamation,

would necessarily be to rule by the sword; and if such a course were adopted, it would drive the people to the alternative which they were desirous to avoid. It was to prevent the coming of that alternative that he for one was desirous to put down or to prevent all violence to person or property. Therefore it was, that he deeply regretted the violence which had been offered to the Marquis of Londonderry. But he must, at the same time, protest in the name of the people of England against any such stigma being cast on them.

Mr. Trevor said, that the hon. member for Middlesex had misrepresented him. He had not said that the people of England were bloody-minded; and he should take shame to himself if he had been betrayed into the use of such language towards the great body of his countrymen. What he had said was, that the Peers who had opposed the Reform Bill, owing to the excitement that had been raised by an inflammatory Press, had been exposed to the merciless attacks of a reckless and bloody-minded mob; but God forbid that he should confound with such a mob the people of England. If the hon. Member had seen the attack which was made upon the Marquis of Londonderry, at the door of the Palace—if the hon. Member had heard as, upon his life, he (Mr. Trevor) had heard, the cries of "cut his throat," "murder him"—if the hon. Member had seen and heard this, the hon. Member could not have complained of his having said, that the life of the Marquis of Londonderry had been exposed to the attacks of a bloody-minded mob.

Mr. Charles Grant had heard with the deepest pain and affliction what had fallen from hon. Members in the course of this debate. He had hoped that, after they had brought to a close their discussions upon the great measure of Reform, every one, at least, that was placed in the high and responsible situation of a legislator, would have carefully abstained from saying one word which could by possibility tend to excite the feelings of the people. Sorry, indeed, had he been to find that night that so reasonable a hope had been utterly disappointed. He must say, with regard to the language of Gentlemen on both sides the House, that he had heard what had fallen from them with the most heartfelt regret. He was sensible that the themes upon which hon. Gentlemen had so unsparingly descanted that night, were so

light themes even to advert to. He joined with those who had expressed so strong and so just reprobation of the outrages that had been committed, and at violations of the law from which they ought all to shrink with horror, but which became doubly appalling when no other pretence was set up for the palliation of that which never could be justified, than that the great and the noble had performed what they believed to be their duty, and what no one disputed that they had a right to do. But this reprobation would have found an echo in every well-regulated mind, and he could not, therefore, help bitterly regretting the unnecessary heat with which it had been urged—heat which had caused it to be mixed with matters altogether irrelevant, and with topics which could hardly be discussed in any assembly without producing great excitement. If he regretted this, how much more must he regret that Gentlemen could have so far forgotten themselves as to impute to persons in the highest stations, connivance at outrages which could be countenanced only by the most vicious or the most ignorant? He would not suffer himself to be led, even by such provocation, into the use of violent language; but he could not help expressing his regret that his hon. and learned friend, however heated, however irritated, should have so far forgotten what was due to himself, what was due to that assembly, and what was due to common justice, as to have ascribed to Ministers motives which he was sure his hon. and learned friend must see, upon a moment's reflection, could not influence any honourable mind. He did not wish to protract this discussion, and he would resist the strong provocation he had received to enter upon many of the topics which had been brought under discussion. Would, then, the House permit him, for the sake of the dignity of the House, for the sake of the peace and composure of the country, and appealing to the feelings of every honest and noble-minded man who heard him—would, he said, the House permit him to entreat that this discussion be closed and put an end to? He would not have made this appeal but from a strong conviction that the most fatal consequences to the country would result from the prolongation of the debate. He did hope, that there was sufficient patriotism in the House of Commons not to allow him to make this appeal in vain; and if that appeal were listened

to, it would fill him at once with the sincerest pleasure and with the deepest gratitude.

Mr. Hunt said, that notwithstanding the admonition which the House had received from the right hon. Gentleman who had just sat down, it was impossible for any man who felt for his country, to sit silent on this occasion. For his part, he would not consent to do so after the language which he had heard from the hon. member for Middlesex. What was the fact? A Member of the other House of Parliament, the Marquis of Londonderry, in coming down to do his duty to-night, as a Member of the Legislature, had been grossly assaulted by a cowardly mob. Blood had been shed. A Peer had been wounded. And the hon. member for Middlesex would have it sent forth to the country that all this was accident. Was not that an encouragement to mobs to vent their anger to the utmost upon all those with whose opinions they did not agree? The hon. member for Middlesex did not content himself by saying that the attack upon the Marquis of Londonderry was an accident, but he called the fires at Nottingham trifling occurrences. The hon. Gentleman compared those outrages to the burning of corn-stacks and farm-houses, by a peasantry driven to desperation by hunger. But he (Mr. Hunt) had risen to reply to the right hon. member for Windsor, who, with a great degree of anger and indignation, had accused hon. Members upon the Opposition side of the House of a perversion of facts. He did not think that they had perverted one fact. But he would ask the hon. member for Windsor, did not he attempt to pervert facts? Did he not say, that the letters of the noble Lord, the Chancellor of the Exchequer, and of the Paymaster of the Forces, had not been addressed to the Birmingham Union, but to the gentlemen who presided at the meeting which voted thanks to those noble Lords? He must say, that that was a perversion of facts. The meeting had been called by the Council of the Birmingham Political Union, who invited other Unions in Staffordshire to attend there. Upon the call of the Birmingham Union, therefore, those other Unions did attend, with banners, bearing the names of the places they came from, and devices expressive of their political sentiments. Now that was precisely what happened at Manchester, at a meeting at which he presided

in 1819. The number of persons assembled was nearly the same. But there was one great difference between the two meetings—the one held at Manchester did not vote a resolution to resist the payment of taxes: They had assembled only to petition Parliament for Reform, and for a repeal of the Corn-laws. Yet on that occasion thirteen people were killed by the military, and a great number were wounded. But the people at the Birmingham meeting held up their hands, without a single exception, in favour of a resolution to resist the payment of taxes, because the House of Lords had thrown out the Reform Bill. Was not that illegal? It was no business of his to call the Ministers to account for whatever letter they chose to write, but he would take the liberty of asking them, was it wise to write a letter of thankful acknowledgment to the Chairman of the meeting which had passed the resolution? He could not concur with the right hon. member for Windsor, that there was any great wisdom in that. He did not go the length of accusing the Ministers of conniving at the atrocities which had been committed lately, nor of anything which might have been done by the multitude that were assembled that day; but he would remind them, that the meeting at Manchester had been violently dispersed, on the ground that so great an assemblage of the people was dangerous to the public peace. The hon. member for Boroughbridge had accused the Government of conniving at the present riots. Whether there might or might not be foundation for that charge, there could be no doubt that the Press had put forward threats of the vengeance which should be executed upon such Peers as might oppose the Bill. Had they not heard that the Peers were to be put in schedule A, if they did not agree to pass the Bill? and some Latin quotation had been used in the *Times* newspaper of yesterday, about strike at the face [“*quote*”.] Hon. Members might call on him to quote, but he begged to inform them that he had forgotten more Latin than most of them had ever learned. He made no pretensions to being a literary character. It was a long time since he went to school, and he was not one of those who kept up classical reading—he made no pretension to being a quoter of Latin. But to turn to matters more important. A good ground of complaint had been laid against the Government. It was for suffering the Press

to proceed in their mischievous course of reviling and holding up to public vengeance Peers and Members of Parliament. He was perfectly ready to admit, that the people in some parts of the country, and about the metropolis, were in a state of great excitement; but did that justify the Government in asserting that the nation was unanimous in their support? Did not the conduct of the people of Dorsetshire falsify such a statement? and was it not plain enough that, even in the county with which the Chancellor of the Exchequer was himself connected, there did exist considerable difference of opinion? And surely no man could call the late election at Dublin an unanimous declaration in favour of the Bill. He had himself lately attended a meeting which separated without personal violence—without breaking windows—unlike the meetings at which other hon. Members in that House had thought proper to attend. At the meeting which he attended, the question on the Bill was put, and the numbers for it were seven, while those against it were 2,000. He did not possess sufficient influence over the people to delude or to deceive them; but the hon. member for Middlesex certainly possessed sufficient influence for that purpose, for he succeeded in persuading them that they would derive more advantage from the Bill than in his conscience he believed would ever accrue from it. No doubt those who collected great multitudes were responsible for their conduct in so calling them together; and those who previously furnished the means of excitement to meetings to be afterwards called, were likewise responsible for results. Did any one suppose that the multitude who followed the hon. member for Middlesex were ignorant of the letters which that morning had been published from the two noble Lords opposite? Would not those letters then be received by the great mass of the people present as sanctioning the proceeding in which they were engaged? He would again say, that he thought it most extraordinary that any Government should have allowed the public Press to run the length which the Press in these days had gone; and if this state of things went on, where would it stop? The right hon. member for Windsor might laugh, but matters might soon become serious. It might be all very well for a time, but sooner or later Ministers would regret the turbulence which it served their present purpose to

it—the time might come when it put their noses out of joint. Really state of things was alarming, and not understood. At the very moment the Duke of Newcastle's place was destroyed, the military were parading streets of Nottingham, but would not go to its rescue, having no orders to effect. Since then a rumour had gone abroad, that the people were proceeding to New Castle with the same purpose. If allowed the present state of things to renew and grow worse, they must indeed call out the military. Did he, therefore, advocate acts of violence? On the contrary; but he then, and at times, very much questioned the prudence and expediency of large bodies of going up to the King for the purpose of presenting petitions—it bore the appearance of intimidation: and in the year 1816, at Spafields meeting, when it was proved that the whole body of those present would go up to the Prince Regent with address, it would have been agreed to go to him; he owed it to his own safety, to his own character, not to implicate himself in any such proceeding. He had influence in those days, and he prevailed upon the meeting to give up the notion of proceeding in a body to the King. He requested the assembled people to interest themselves with the King, and he would take care that it should reach the hands of the Prince Regent. He told them that Parliamentary reform was the one thing needful, and not encourage them, as the Press of that day did, to break open the shops of butchers and the bakers. What he then, and what he continued now to say, was, that the first step was to obtain to the people the privilege of being duly represented in Parliament. At the several meetings at which he attended or took an active part, the people uniformly went on in the most orderly and peaceable manner; and not so much as a single pane of glass was broken. No doubt there was some mischief done in Bristol on that occasion; during an election there was some serious rioting in that place, but was after he went to bed, having been prevented in consequence of attending all to the business of the election. He would not deny that upon that occasion there was much violence, and that blood was shed; but never in his sight was there an intentional breach of the peace. At the

meeting to which he had already alluded, which took place within these few days in the metropolis, though there were 2,000 within the walls of the building, there were from 3,000 to 4,000 persons collected outside the doors, and, even in the present disturbed state of the metropolis, they went home without committing a single act of violence towards person or property—not a window broken—not a word spoken about violence of any sort, and yet it was anything but a Whig meeting. On the occasion of the meeting to which he was then referring, he addressed the meeting. He thought it necessary to be thus particular in giving an account of what occurred, as the Press had grossly misrepresented him. He told the people of the gross mischief of which the Press was guilty—he desired them not to be deceived by any one telling them that the Bill would not be so good for them as some people represented, and he added, that if the 10*l.* householders thought proper to refuse paying taxes—which he thought would be very wrong on their parts—that was no rule for the people. He said, too, don't you (the people) refuse to pay your taxes; and that meeting separated without the slightest indication of a riot. See how different was the fact with respect to other meetings which took place. Even that very day he heard that a police constable had been assassinated.

*Mr. Lamb:* There is no truth in that rumour.

*Mr. Hunt* resumed. He was glad that the statement was without foundation. Breaches of the peace he should always most deeply regret. But, in times, and under circumstances, who were most peculiarly responsible for breaches of the peace? Why, the Government; and it was now full time that all this sort of work should be put an end to—the Government ought to feel that they had had enough of approbation. They must be very cormorants in the love of praise, if they desired to have any more. He really thought the time had arrived when Ministers might be satisfied with the expression of public feeling to which recent events had given rise, and they ought now to adopt some means for protecting person and property in this metropolis. He had understood that Commissioners Mayne and Rowan had given directions that no man should be struck on the head unless he were detected in some act of violence,

endangering life. For himself he had no fears—he had lived to little purpose, if he could not venture amongst his fellow-citizens unarmed. At the same time if he should encounter violence from a multitude, though he had but one life to lose, he would still defend that life—he would not die without resistance. He by no means concurred with those hon. Members who thought that the present discussion ought to be cut short; on the contrary, he thought that discussion would be likely to produce beneficial results. If the multitude should be so cowardly and bloody as to attack single individuals, they ought manfully to defend themselves, which, though the boldest, was the safest course. It was cowardly and bloody to attack single individuals; and he felt assured that the people of England were incapable of any thing of the sort, unless when peculiarly excited, or very grossly misled. But they now were under excitement and misguidance, and he hoped that the Government would at length see the necessity of interfering for the preservation of person and property, and the preservation of the public peace.

Mr. Lamb said, he felt it necessary to make a few observations, in consequence of the censure which the hon. and learned Gentleman opposite had thought fit to cast on the department to which he belonged, for it was evident that his remarks were directed in fact, though not in terms, against that department. In doing so, he would premise, that however severe the language of the hon. and learned Gentleman might have been, he hoped that he should, in the few words which he meant to address to the House, although his feelings were somewhat wounded, preserve that calm spirit, and that cool feeling, which every hon. Member ought to command, in the present state of public affairs. He did not know—indeed, he could not conceive—upon what acts, or upon what omissions, the hon. and learned Gentleman had chosen to cast upon the Home Department the responsibility of certain circumstances which had that night formed the subject of discussion. He, however, would challenge inquiry—yes, the most rigid inquiry—into the proceedings of the department with which he was connected. He thought that, before the hon. and learned Gentleman had entered into a tirade relative to what had occurred at Nottingham—before he made it the ground of charge and cen-

sure—it would have been well if he had taken a little time for consideration. The hon. and learned Gentleman would not, perhaps, have been so much surprised at what had taken place, if he had recollected that, at the moment, it was not probable that the means would be at hand to prevent it. He had very good reason, however, to state, that these outrages could not be continued. The moment their existence was notified, measures were taken to put an end to them. He, however, must say, that the hon. and learned Gentleman took the most effectual way of encouraging those outrages, when, by his speech, he sent it forth to the public, that the Government, by its conduct, connived at such proceedings. Nothing could be more injurious, nothing more dangerous to the peace of the country, than to state that those whose duty, whose imperative duty, it was to prevent such outrages, had absolutely overlooked, or encouraged, or connived at them.

Sir Charles Wetherell denied, that he had used the word “encouraged.” He had said permitted or connived.

Mr. Lamb said, the admission of the hon. and learned Gentleman was quite sufficient. Such a declaration, it must be evident to all, was exceedingly dangerous. As to an assassination having been perpetrated that evening, to which circumstance the hon. member for Preston had alluded, he had, he was happy to say, received a notification, from which it appeared that no such circumstance had taken place. On that point, so contradicted, he would not dwell—he would build no argument upon it. He would speak only of the general outrages, and these, he would say, demanded, and had received, the prompt attention of Government. He could assure the House, that the utmost vigilance would be exercised for the preservation of the public peace. The proper measures for effecting that object would be taken, without distinction as to persons of any party. With respect to the outrage perpetrated at the house of the Duke of Wellington, no man regretted it more deeply than he did; but it was one of those occurrences which would sometimes happen, in spite of the utmost exertion. Allusion had been made to what he had said on a former occasion, as to large bodies of the people meeting together. He did not disavow the language which he had then used; and when Gentlemen talked

of putting down and dispersing such assemblages, he called upon them to look at the Act of Parliament, and to see whether it was or was not easy to act effectually upon it. He repeated that he deeply regretted the commission of such outrages, but he did not regret that the people were not prevented from approaching their Sovereign, and declaring their feelings and wishes.

Lord Stormont said, that his first intention in trespassing for a few seconds upon the House was, to repel the imputation attempted to be cast upon himself and his hon. friends, of being enemies of freedom, but, on consideration, he should allow the remark to "pass by as the idle wind." He would, however, entreat hon. Members for their own sakes, at least, not to betray a disregard of the public safety, by holding up any men as enemies to public liberty. There was one passage in the speech of the hon. member for Middlesex which was a complete refutation of what had been urged in defence of the two letters which had been referred to in the course of the debate, and justified, to the fullest extent, the interpretation which had been given to them by that (the opposition) side of the House. It was quite evident, that a prominent passage in those letters applied to the majority in that House, and to the minority in the other House.

Sir George Warrender said, that though his opinion on the subject of the Reform Bill remained unshaken, still he did not concur in some of the sentiments delivered that night by the hon. and learned member for Aldborough. The assertion that his Majesty's Government connived at the disturbances in the country must have a most mischievous effect. He did not like that such a statement as that should go forth as the opinion of a man of discernment, and one who had lately filled the situation of his Majesty's Attorney-General. It was the duty of every government to prevent disturbances; and he should not be doing justice to the individual who was now at the head of the Home Department, if he did not say, that he believed he was most anxious to attend instantly to the preservation of the public peace. The warmth, the zeal, and the eloquence of his hon. and learned friend had, he was sure, carried him further than he intended; and he hoped that it would be understood throughout the country, not only that his Majesty's Ministers did

not connive at those disturbances, but that they, and every individual in that House, whatever difference of opinion they might entertain on political subjects, joined in one common feeling, that of a firm determination to protect the lives and properties of his Majesty's subjects. He confessed that he felt considerable surprise at the speech of the hon. member for Middlesex. That hon. Member began his address in a very moderate tone, but when he spoke of one of the grossest outrages that ever was committed, he spoke of it as a mere accident. He had spoken of a furious attack on a Peer of Parliament as nothing more than a mere accident. When he heard it said that individuals who had opposed the Reform Bill dared not show their noses out of doors, he was filled at once with regret and indignation. It was the duty of the Government, and he believed it would attend to its duty, to protect persons and property, and to take care that every hon. Member, after he had fairly and faithfully discharged his duty, might appear in public without annoyance. He so far expressed his confidence in the present Government as to say, that he believed they would do this; and, therefore, he was opposed to the opinion of those who called for extraordinary measures. He would have the dignity of the Government upheld, not by a military force, to which the hon. member for Preston had alluded, but by the ordinary powers of law. If it were necessary, a commission might be appointed to inquire into the whole of the facts; but he would not resort to any measures of extremity, unless the utmost necessity called for them.

Mr. Hunt said, he did not wish the military to be employed. What he had said was—"If things go on much longer in this way, shall we be able to put the outrages down without the aid of the military?"

Colonel Trench said, he had this day witnessed a procession in Piccadilly, in which he had seen the carriage of the hon. member for Middlesex. It was preceded by a standard-bearer with a white flag, on which were inscribed the words—"the King, Commons, and the People." He followed the procession along Piccadilly. When they came to the mansion of the Duke of Devonshire, the mob gave a great shout; and when they arrived at that of the Duke of St. Alban's, they also gave a shout, but it was more feeble. He wished



to go to the Duke of Wellington's, but he was not able to effect that purpose. When he got near the house of the Duke of Wellington, he saw a number of respectable looking persons, persons very well dressed, walking four and four, and with ribands tied round their arms: he saw those people leave the main body, while those who followed them rushed into the gate. Those well-disposed persons made room for the individuals whom they headed, and who immediately began breaking the windows. The mere breaking of a pane or two of glass, under ordinary circumstances, was of no importance; but this appeared to him to be a regular and organized outrage. He confessed that it gave him very great pain to find that any set of men could offer insult to an individual whose warlike achievements had immortalized the British name, and who he believed to be the most upright and honest man that ever ornamented private society or dignified a public station. One individual there was whom he could identify as giving orders. This individual was a remarkably well-dressed man. He looked after the standard-bearer, but him he could not find. The well-dressed people of whom he had already spoken as being present on the occasion, if not inciting to outrage, did not, at any rate, attempt to prevent it. It was a question on a former occasion, whether these processions were legal or not; but he feared that the permission given in so many instances to such processions would take away all doubts on the subject from the minds of the people. An hon. Member had said that, in coming down to the House, no apprehensions appeared to be entertained by the shopkeepers and others as he went along. But as he proceeded to the House he was led to form a very different conclusion, for he saw a number of persons busily employed in barricading their windows, and the precaution appeared to him to be very necessary. In conclusion, he must say, that it would have been well if the hon. member for Middlesex had taken the course which the hon. member for Preston had described himself to have taken on former occasions. When he saw an angry mob endeavouring to force themselves into the presence of their Monarch, it would have been more prudent if he had said to them—"Rely upon me; I will take care your petition shall be presented"—instead of going through the streets with them in procession. When

they considered that these individuals were for many hours without food, and that, in all likelihood, they had entered a number of public houses, it might easily be imagined that their conduct would not be the most quiet or decorous. Under such circumstances, he thought it would have rebounded much more to the credit of the hon. member for Middlesex, if he had endeavoured to make those people disperse, instead of enjoying such a paltry triumph as the shouts of a mob, passing through the streets and under the windows of the Sovereign, could confer upon him. He had heard, with regret, that while a resolution was debating in that House, an hon. Member had gone to another assembly, consisting, it was said, of 3,000 persons, where the same question was discussed and decided, and that hon. Member immediately after returned, followed, as he understood, by 1,000 people, to the very doors of Parliament. Such an example, he thought, was exceedingly dangerous, and he thought it extraordinary that any individuals should stoop to such artifices, for the purpose of procuring an ascendancy over the minds of the people.

Mr. *Hume*: There is scarcely one word of truth in the statement which the House has just heard, and so far as I am concerned it is utterly untrue. I mean that it is altogether a mistake on the part of the hon. and gallant Officer who has just spoken; I was not in Piccadilly with the procession.

Colonel *Trench*: I did not say that I saw the hon. Member in Piccadilly; I saw him with the procession in Pall Mall, and when he passed me, I saw him forming part of that procession which I accompanied up St. James's-street and along Piccadilly. I went with what I call his procession, and he, I presume, went to the Levee.

Mr. *Hume* said, that he went to Mr. Byng in his carriage, having, in conjunction with that gentleman, agreed to take up the petitions of two deputations. He understood that four other deputations had proceeded to St. James's, and were there informed by Lord Melbourne, that it would not be convenient to his Majesty to receive their petitions, and that it would be better to present them through the hands of the county Members. Application was consequently made to him to present those petitions, and he complied with the application. He had

nothing whatsoever to do with the procession. He was present at the meeting, and it was well known to all who were there, that he was against deputations going up. He then said, that it would be much better that the Members for the county should present the petitions, and not deputations of large bodies of men. When, however, they afterwards came to him with three petitions, he at once agreed to receive them, and he should be glad to know what would have been thought of him if he had refused them after Lord Melbourne had said they ought to be presented by the county Members. They were handed to him in St. James's Square, he took them down to the palace, and delivered them there. That was the only duty he had to perform; and as to the procession, he disclaimed having anything whatever to do with it. With respect to what he had said as to the attack on a noble Marquis, no person in that House or in the country regretted that attack more than he did. All he meant to express when he before spoke was, that he did not believe it was a pre-meditated attack, but that it arose from the irritated feelings of individuals, and was a mere matter of the moment.

**Colonel Trench:** As to the first part of the speech of the hon. member for Middlesex, I shall return my thanks for it elsewhere. What I have stated is not an untruth, as he has dared to affirm.

**Mr. Hume:** I thought I fully guarded myself: the statement I said was untrue so far as I was concerned. Nothing can be plainer than that the hon. and gallant Member labours under a mistake.

**Sir George Warrender** said, that he, as well as all the hon. Members around him, felt that there was a misunderstanding on the subject between the hon. member for Middlesex and the hon. member for Cambridge. He was quite sure that the hon. member for Middlesex did not mean to apply the denial in the manner taken.

**Lord Stormont** thought, the hon. member for Middlesex ought to retract the expression. It was due to the character of the House that he should retract it. [The call "Chair, chair," was now raised.]

**The Speaker:** The moment the expression was used I felt it was out of order, but almost instantly the hon. member for Middlesex retracted it in the most marked and effectual manner,

anticipating any exception which could be taken to it, by saying that he meant to impute nothing but a mistake. In the same manner he explained his application of the word accidental to a gross outrage.

**Colonel Trench** said, although he was as ready as any man to resent an offence, yet he was fully satisfied with the explanation given by the hon. member for Middlesex.

**Colonel Sibthorp** said, a delegate from a Political Union, who met him in the lobby, and mistook him for a Reforming Member, had made certain remarks to him which he should not further particularize than, by saying the House seemed to stand in an altered position, when Members were beset by persons connected with political associations, whose object was, to subvert the functions of Parliament. He was ready to accept any situation that might tend to keep the peace, and even to act as a policeman, if the Secretary for the Home Department considered his services of any value.

**Mr. Maberly** said, that many of the immense multitude that had met together that morning, were by the Reform Bill to have the franchise extended to them, and the disappointment of their hopes by the Bill not passing into a law, had been much aggravated by then being told their opinions were changed with regard to that Bill. They met to demonstrate that that was not the case, and proceeded in a body to present an address to prove their unchanged determination. His firm belief was, that the people had assembled with the strongest intention of keeping the peace. The Government had been blamed for not preventing these meetings; but if it had attempted that, he would venture to predict that the day would have terminated very differently from what it had.

**Mr. Paget** said, the people had been accused of being lukewarm in the cause of Reform, and he knew not what course they could pursue to disprove that accusation, except that which they had adopted. When he heard individuals speaking of a body of men, assembled for a constitutional purpose, as a mob ready to imbrue their hands in the blood of their fellow-citizens, he considered it to be a gross libel on the people of England.

Subject dropped, and Petition laid on the Table.

moved the Second Reading of the Liverpool Franchise Bill. He proposed that the Committee upon it should be postponed to some distant day, so that it might be proceeded with after the recess.

Mr. *Ewart* said, the Reform Bill having failed, and this Bill being in all its enfranchising clauses a re-enactment of the provisions contained in that measure, he of course intended to support it, for he considered that part of the Bill as highly valuable to the important community he had the honour to represent; but he could not agree to the disfranchising clauses contained in the Bill, and should feel himself bound to oppose them when the Bill came before a Committee. The extension of the franchise to a most respectable class would have the effect of purifying the old constituency.

Bill read a second time, Committee appointed for that day three months.

NEW WRIT FOR LIVERPOOL.] Mr. *Granville Vernon*, in moving a New Writ for Liverpool, said, that after the House had come to two decisions during the present Session adverse to the motion which he had now the honour of submitting, he felt himself bound to give some reasons for his pertinacity in renewing the discussion. There were two objects which it behoved every hon. Gentleman to bear in mind—the first was, his own character, the second, that of the House. He was prepared to contend, that by voting for the motion which he should conclude by proposing to the House, that hon. Members would fulfil both these objects. He considered that subsequent events had altered the case wholly, upon which the former decisions were rested. Those decisions, in his opinion, were calculated to establish a dangerous precedent, and were a departure from the privileges of Parliament, as settled by long custom. The facts of the case were, that in a former Parliament, bribery to a large extent was proved to have been practised at Liverpool, but there was no case where a writ had been suspended on such retrospective considerations. Where was such a precedent to stop? By what limits could it be defined? If the acts of a constituency in a former Parliament were reviewed in this manner, what was to prevent the House from recurring to more ancient delinquencies? There was no want of cases, and would

the House be prepared to suspend the writs for any such places merely upon the statement of any hon. Member who would declare he believed the same corrupt practices were continued and still in operation. This would be to repose a dangerous and most unconstitutional power in the majority of the House. Hon. Members should also remember, that it was by mere accident that the House had any opportunity of withholding the writ. One of the hon. Members returned for that town (Mr. *Denison*) had made his election to sit for the county of Nottingham, for which he was also returned, and, but for this circumstance, Liverpool would now have two Representatives. These circumstances, so far from involving the House in any inconsistency by agreeing to his motion, were sufficient to establish the fact, that the inconsistency would be in departing from ancient usage, and if the alternative could not be avoided, it would be better to give up the imperfect incidental votes of the present Session, rather than set them up against unvaried prescription. But he would go so far as to deny that his motion was inconsistent with these previous votes; they were come to, under circumstances when a measure was before them by which it was probable the whole constituency would be amended and purified, and it was argued, that it would be advisable to delay the writ until that object was effected; now that there was no longer any prospect that great measure could be effected during the present Session, the case stood on a different footing, and the question was, whether they would keep the great interests of Liverpool only half represented during another Session, or allow the issue of the writ. The House, he was sure, would not refuse to listen to the prayer of 1,400 of the most opulent merchants and inhabitants of that important place, who prayed for a full Representation as necessary for a due attention to their interests in that House. He would therefore move, "That the Speaker be directed to issue his warrant for the election of a Member to serve in Parliament for the borough of Liverpool."

Mr. *Rigby Wason* rose to propose an amendment to the Motion just made, and he was sure the hon. Gentleman who had just addressed the House would be happy to learn that such amendment was strictly in precedent, and was founded on a case

which was supported by the whole of the present Ministers. When this question had last been argued there appeared some difficulty in the minds of several hon. Members, whether the House should interfere with an election after a dissolution of Parliament, but they had at length been convinced, that such bribery and corruption as had degraded the electors of Liverpool ought not to go unpunished, yet the same Gentlemen who had twice before refused to agree to a writ being issued, were now again called upon to vote that these corrupt electors were to have another Member to watch over their interests during the recess. The hon. Member who introduced the question had told the House, there was no precedent for suspending a writ for prior delinquencies: if there was no precedent in favour of it, there was certainly none against it, and, therefore, in the absence of precedent, the House must make one, and he had no doubt that would be founded on the principle of preventing bribery and corruption, by whomsoever practised. The fact, however, was, no circumstances had before occurred precisely similar to the present, therefore no opinion of the House on the subject had been recorded. He believed that most of the hon. Gentlemen who had advocated and supported the schedules in the late Reform Bill did so upon the conviction that the franchise was a trust which might be resumed by Parliament and the Sovereign, when those in whose hands it was placed could not exercise it with advantage to themselves, and for the benefit of the country. It was upon such principles he had voted for these schedules. How, then, in consistency with these principles could hon. Members be expected to allow again the privilege of returning a Member to those electors who had been legally proved to have been guilty of the most gross corruption. He should, therefore, move as an amendment. "That this House will not order any warrant to issue a new Writ for the electing of a Burgess to serve in the present Parliament for the borough of Liverpool until the expiration of fourteen days after the commencement of the next Session of Parliament."

Mr. John Campbell said, it would be a great injustice to the merchants of Liverpool if the writ should be withheld after the prorogation of Parliament. The consequence would be, to deprive Liverpool of one Member during

the whole of the present Parliament, for there could be no doubt that the ensuing Session would be wholly taken up with one paramount subject and, no Bill regulating the franchise of Liverpool could be expected to go through the House: besides, he considered that when hon. Members themselves knew they represented the same corrupt interests, to bring in and pass such a bill was hardly honest. A sanction had been given to bribery by nomination boroughs, and the best way now was, to declare an amnesty, and turn over a new leaf, and when they had a Reformed Parliament it was to be hoped and expected all the Members of it would be returned upon pure principles; but should a case of corruption occur then, it ought to be punished most severely. It was said, the House had already come to decisions during the present Session inconsistent with the Motion before it, but hon. Gentlemen who voted upon such occasions must have done so under the impression that the hon. member for Wiltshire's Bill would become a law during the present Session, but as there was now no hope of that he trusted the House would sanction the issuing of the writ forthwith.

Mr. Bennett was prepared to vote for the Amendment, and was sorry to hear Reformers attempting to defend a case of such gross corruption as that of Liverpool. Out of 4,300 freemen of Liverpool only 300 were not proved guilty of corruption. How could the House, therefore, when they had a Bill still upon their Table to punish the corrupt electors, send them a writ to return another Member. He submitted that there could be no practical hardship in leaving that town without a second Member during the recess.

Mr. Gisborne said, that he should support the issuing of the writ, on the principle that the King's writ had issued since the corrupt election complained of, and of the return to that writ no complaint could be made. If the electors had been found competent to make one good return after the commission of the offence, surely they ought to be trusted a second time.

Mr. Ewart supported the issuing of the writ. The great mercantile transactions of the place required that another Member should be afforded to it as soon as possible. The House ought not to be guided by precedent alone but by expediency, and it was inexpedient to leave Liverpool with only one Member.

Mr. *Goulburn* complained of the delay of the bill on this subject. He had voted for the suspension of the writ, in consequence of the report of the Committee, under the understanding that the bill was to be proceeded with. Being placed in such circumstances, he could not do otherwise than vote for the Amendment, though he thought it extremely hard on Liverpool to be so long deprived of one Representative.

Lord *Althorp* said, it was not fair, because the bill could not be proceeded with in the present Session, that that should prevent Liverpool from returning one of its Members. He admitted there was a difficulty in sending a writ to a constituency proved to be corrupt; but he thought that was not a sufficient reason for refusing to issue a writ, which would prevent Liverpool having its due share of Representation in the House.

Mr. *Cutlar Fergusson* could not consent, whilst the constituency of Liverpool remained so corrupt as it had been described by a Committee of that House, to issue a writ for a Representative. He should vote for the Amendment.

Sir *Richard Vyvyan* was of opinion that the House had no right to suspend the writ over the prorogation. Such a place as Liverpool ought to be fully represented in Parliament, and the present vacancy was occasioned by accident only.

Lord *Ingestrie* said, he should oppose issuing the writ, because bribery had been distinctly and fully proved against the majority of the freemen of Liverpool. Rather than that place should suffer from the want of a Representative in consequence, he was ready to offer any services in his power.

Sir *George Warrender* had refused to vote for the issue of the writ for East Retford for three years, and for the sake of consistency, therefore, he must vote against the issue of the writ for Liverpool: the corruption at Liverpool had been very great.

Mr. *Hunt* declared he would vote against the issue of the writ. This Motion would show the Reformers in that House in their proper colours to the public.

Mr. *Daniel Whittle Harvey* said, that this was not an isolated question, but a question of principle. The opposition to the issuing of the writ was founded on the principle, that the only Reform that was necessary was the application of adequate

remedies to detected delinquency. Those who were of that opinion were perfectly consistent in opposing the present Motion, but he would declare, that the man was a feeble or suspicious Reformer who could maintain, that the only method of purifying that House was by the detection of occasional impurities, in the hope that, probably in a century or two, a few such cases would be proved against certain boroughs. From what the House had already seen of such attempts at reformation they might judge of their practical utility. It was proved that the constituency of Liverpool had been detected in the most extraordinary wholesale bribery. A more corrupt set of burgesses could not be found. It was to correct such delinquencies to give a wholesome rule of correction, and prevent such practices for the future, that the late Reform Bill had been passed through that House by triumphant majorities. That Bill he had supported, but he had ever opposed himself to partial and hypocritical Reforms like the purification of Liverpool because he would not sanction a different measure of justice to be dealt out to constituents and patrons, punishing the former for receiving a given sum of money in detail, and allowing the same amount to be given to the patron of a borough in one whole sum. A noble Lord or Jew speculator who put 5,000*l.*, as the price of a Member returned by him to that House, into his pocket, was engaged in a more odious and profligate transaction than the electors who were bribed, and had not the redeeming apology of poverty to plead—an apology that might generally be urged in favour of those who received small sums for their votes. These, however, were the persons selected for punishment, and this selection of persons it was, that made the present a question of principle. Whether the House issued the writ for a second Member to be returned for Liverpool was comparatively of small importance, but the hostility to the measure, and the principle on which it was founded, was of great importance, as from it arose the question, whether the House ought to prosecute a general Reform, which would abrogate corrupt boroughs by wholesale, or only deal with those which were so unfortunate as to be detected in delinquency. That principle he most fully objected to, for it was the principle of those who wished to canonize a system of nomination. It was

a principle well understood by the country as hypocritical in its pretences, and subversive of real Reform. Upon these grounds he was prepared to support the issuing of the writ.

Mr. *Wrangham* wondered how any man could vote for this Motion. He could not consent to give to a corrupt body—a body infamously corrupt—a right to return a Member to Parliament. He looked with dread to the measure for altering the whole system of Representation, but he would never hesitate to apply a remedy where the guilt of corruption was brought home to the parties. The hon. Gentleman who had last addressed the House had endeavoured to mislead it. He had asked, how could any hon. Gentleman defend 5000*l.* being given to one individual for a seat in that House, and yet object to the freemen of Liverpool receiving that sum among them, divided into small portions, for the exercise of their rights. Without pretending to answer that question he (Mr. *Wrangham*) would declare, that if the hon. Member would prove that any person had received 5,000*l.* for a seat in Parliament by the same evidence as the guilt had been proved against the freemen of Liverpool, he would vote against any writ being again issued to the place so circumstanced. It had been urged as a reason for the House now issuing a writ to Liverpool, that, at an earlier period of the Session there was a Bill before the House to amend the Representation in general, and that prevented the hon. member for Wiltshire from proceeding with his bill relating to Liverpool alone: but the Reform Bill was now disposed of, and the hon. Member was ready to proceed, when he was met by being told an adjournment was at hand. They had now to consider how their position was altered by this announcement. The House had already twice decided that the electors of Liverpool were unworthy to exercise their franchise, and coupling that with the pledge then the noble Lord (Lord Althorp) had given that the writ should not issue until the hon. member for Wiltshire had had an opportunity of purifying the constituency, would not the House stultify its own proceedings by now agreeing to the original Motion?

Mr. *Granville Vernon* said, he had heard no arguments to convince him that it was right to leave 5,000 persons unrepresented. On the principle of virtual Representation all the Members ought to sup-

port the issue of the writ. There would be questions of great importance in the ensuing Session, involving the interests of Liverpool, which rendered it essentially necessary that that place should have the benefit of full Representation by persons of experience. He trusted the House would permit him to say a few words upon the remarks made by several hon. Members who had opposed the Motion, among others his hon. friend, the member for Honiton (Sir George Warrender), had cast a stone at the electors of Liverpool. The borough his hon. friend represented had the credit of not being one of the purest, for he remembered when Lord Cochrane had declared in that House, after being elected for that borough, that he had sent the bellman round the town with a notice that every voter might come and receive 5*l.* He saw the House was extremely impatient to come to a decision, and he would detain them no further than by saying, he hoped they would reverse their former vote as the present circumstances were so different.

The House divided on the Original Motion, Ayes 93; Noes 67—Majority 26.

Writ ordered to be issued accordingly.

BANKRUPTCY COURT BILL—COMMITTEE—SECOND DAY.] The Solicitor General moved, that the House go into a Committee on the Bankruptcy Court Bill.

Mr. *Warburton* said, he was of opinion that an alteration in the present system of Commissioners was necessary, but he thought the present Bill required many alterations and modifications which there was not now time to make with so much minuteness and care as the importance of the subject demanded. In the first place, he thought the fees to be paid under the Bill were much higher than they ought to be. After comparing their amount with those connected with the present system, he had come to the conclusion, without fatiguing the House with the details, that the expenses of the new Bill would be greater in the proportion of forty-five to thirty-six than those attached to the existing methods of managing a bankrupt's estate. Another great objection to the Bill he considered to be, the appointment of four Judges instead of one, and he was borne out in this opinion by the high authority of the late Sir Samuel Romilly, who had declared that one Judge in bankruptcy cases was sufficient; an

increased number led to inattention in the whole. He feared, therefore, the expenses attending the appointment of these four Judges would be worse than thrown away. In any alteration that was to be made, patronage should be avoided. He fully exonerated the noble and learned Lord with whom the Bill originated, from any desire to increase his patronage thereby, but he should prefer that the number of Commissioners should be increased by three, with but one Judge, which would form an additional number to act in times of commercial distress, when the amount of duty would be materially augmented. He was also of opinion, that the expenses of appeals would be materially increased, and their number augmented. By the existing system one or two appeals were all that could be had, but by the proposed arrangement there might be four: the first from the Commissioners to the Subdivision Court; the second from the Commissioners of the Subdivision Court, to the Court of Review; a third from the Court of Review to the Lord Chancellor; and a fourth from the Lord Chancellor to the House of Lords. With every desire to accede to every real improvement in the bankrupt-laws, he feared the plan before them could not be considered such. Instead of effecting any Reform in the expense of this branch of the legislation, the proposed system would be found to be much more expensive. Instead of giving credit to the statements of individuals upon so serious a question, the House ought to appoint a Committee, before which professional men might be examined touching its merits. As to the argument that the law would be made either cheap or expeditious by the Bill, that was, in his opinion, altogether a fallacy. If the Bill should not be carried during the present Session, it was his determination to move, at a future time, that the subject be referred to a Committee [*a cry of "move, move."*] He would have no objection to move for the appointment of a Committee, if the proposition would not be considered as a mode of getting rid of the Bill, but it would, and with the views he entertained upon the question of the Bankrupt-laws, that would not be a fair way of meeting the question. He certainly hoped that the Bill would not pass, but he must decline the adoption of such means of defeating it. His object was, to have a fair

investigation—to have an efficient Court, and there were no facts before the House calculated to show that there was any chance of the accomplishment of such an object by the instrumentality of the measure they were now considering.

Mr. John Smith regretted exceedingly that his hon. friend (Mr. Warburton) had found it necessary to oppose the Bill, for he knew that the hon. Member invariably acted upon his conscientious opinion upon every subject. He anticipated no such expense from the breaking up of the present system as seemed to be apprehended, and he knew from a long practical experience, that the change which must be produced by the Bill would be of the most beneficial nature. One of the most fruitful sources of litigation was the proof of a debt under a Commission by the [present system, and his hon. friend proposed that to be continued, as preferable to the improved method now under review. He could assure his hon. friend, that the difficulties and delays of appeal in such instances were so great, that creditors were disposed to put up with severe loss rather than appeal at all. A Court of Review would obviate that evil, it was to be sitting throughout the year, and therefore, there was a necessity for more than one Judge. A suit would be decided in a few days instead of lasting as many months. Independent of this, but with all deference to the opinion of his hon. friend he had no hesitation to declare that he should prefer the opinion of two or three sensible and judicious lawyers to the authority of one, and he believed from a Court so constituted there would be few or no appeals. Those who were to act under the Bill could have no motive for an improper decision. His hon. friend was not, perhaps, although extensively engaged in commercial matters, practically experienced in those which unfortunately terminated in Commissions of Bankrupt. He (Mr. John Smith) had had a long experience of things of the kind, and he could not help declaring that no language which he could use could adequately express his detestation of the mode of decision in use amongst the seventy Commissioners. The word "execration," more accurately than any other, expressed the sentiments of commercial men as to the existing state of the Bankrupt-laws. He really believed that, in nine cases out of ten, bankrupts' cases were not thoroughly inquired into. A man who had seen the

working of the system said, on being concerned in such a case, "I will take things as they come, without giving myself any further trouble to inquire, for I am sure, to do so will only be attended with loss of time, trouble, and expense." Even in the case of Howard and Gibbs, bad and contemptible as that case was, if the affairs of the bankrupts had been properly investigated and managed before the Commissioners, there would, he most conscientiously believed, have been a surplus at the winding up; and Howard would not now be, as he actually was, languishing in poverty. Immense sums of money were expended in working that Commission. Hundreds of meetings were held, and law suit followed law suit without end. He had been called to a meeting of the creditors of that firm, with many other unfortunate and interested persons; when the Solicitor to the Commission said "Gentlemen, a certain person owes the estate a large sum of money, and the only remedy you have is to file a bill against him." This was judged, after much discussion, so expensive a remedy, that the creditors declined to prosecute the claim. He had strong reasons for believing that there were, to say the least of it, very frequently a connivance, not to say a conspiracy, between the solicitors, the petitioning creditors, the accountants, and the bankrupts. He did not think it necessary here to enter upon the subject of country Commissions, that fertile source of fraud; but he must be permitted to remark, that it was necessary that a bankrupt ought to have his certificate if he had acted honestly and fairly, and given up his property so as to satisfy his creditors in the best manner circumstances would permit; but if he had acted nefariously or improperly, there was no doubt a certificate ought to be withheld. In some cases whatever the opinions of the creditors might be, the certificate ought never to be granted, particularly as was often the case when the bankrupt happened to be a complete and notorious blackguard. He would give one instance of the fact:—a vulgar, ignorant young man, whom he might very well call a blackguard, happened to become a bankrupt, and he (Mr. John Smith) happened to be a creditor. The bankrupt was very obstinate in withholding facts in his statement before the Commissioners, and it was a difficult matter to get from him an acknowledgment of what he had done

with certain property, which, according to his books, he had received, to the amount of 17,000*l*. At last he admitted that he had spent it all in the following manner:—"Why," said he, "I kept a carriage for my mother in town, and I kept one woman at Brighton, and another at Hampstead, and I had two children by the latter to keep, and I kept a house in town." In short, the fellow confessed that he squandered the money away. Now he never entertained a notion of signing the certificate of such a man; but the fellow got his certificate notwithstanding, and very soon too; and the Commissioners said, in answer to an appeal made to them upon the subject, "What can we do? We can't help it. He has told us the truth." The fellow soon afterwards recommenced business, and had it in his power to pursue a similar course of plunder. Now it would be most desirable to prevent blackguards of that description from obtaining additional facilities, and practising similar frauds, and he did hope the establishment of efficient Commissioners, under a Court of Review, would effectually check such fraudulent practices. A great deal had been said about the expense resulting from the new measure, and the dissatisfaction with which the public were likely to view that expense; but he knew it to be a fact that the public would think very little of expense if they could get the affairs of bankrupts equitably managed, and speedily and satisfactorily settled. They were willing to pay for substantial justice, and substantial justice they could not have if the present system, or any part of it, were allowed to continue. His hon. friend had suggested a Committee up-stairs, and the examination of professional men. He (Mr. John Smith) had sat in the Chair above stairs upon the very subject, and he had had the assistance of the ablest men; but he could not boast of the progress that was made. As to the examination of professional men, it should be considered that the Bill would go to deprive a number of gentlemen of that description of their profits; and it was very natural to expect from most of them a decided opposition to the measure. He the more firmly relied upon the Bill, as it was the production of the great mind of the most extraordinary man in the country—of the man possessing the highest powers and the most intense desire to do good to his country.



Mr. *Freshfield*, having been referred to in the course of the debate, felt it necessary to make a few remarks upon the machinery of the Bill now before them, which he was convinced was so defective that the Bill ought not to be passed in its present state. He was satisfied, that no Commission of any magnitude could be worked with such machinery as was proposed by it, under the superintendence of an official assignee whose duty it appeared was, to collect as quickly as possible the assets of the bankrupt, and pay them forthwith into the Bank. But all persons conversant with the business of bankruptcies well knew, particularly those which were connected with colonial property, that the very first and necessary object of the assignee was, to obtain funds, not to distribute among the creditors, but to work the Commission. It would be necessary to send out means to procure the foreign assets to be remitted, but under the proposed Bill, this necessary preliminary could only be obtained by an application to the Court of Chancery, for the official assignee was bound to pay all the funds, as they were received, into the Bank. It might also be found difficult to persuade that Court that it was necessary to remit 10,000*l.*, or perhaps a larger sum, to the West Indies, for instance, on the chance of procuring a crop, worth much more, from the estate of a bankrupt situated in one of the colonies, and even if the application succeeded, it could only be successful after much delay and expense. Another objection was, as to the payment of dividends to creditors. Their first and great object of course was, to obtain a division of the funds of the estate, which had been paid into the Bank by the agency of the official assignee, and how were the persons interested to obtain this money for distribution? Was it meant that a given sum should be issued at the discretion of the official assignee, or that the whole assets were to be handed over to the other assignees by him for such purpose of distribution? If the last plan was to be the method, then the great danger of the present system would be continued, for the assignees would have the management of the fund, and the creditors had no security against fraud or failure. If, to prevent the chance of these losses, the first plan was pursued, and a given sum issued, then the impossible case must be supposed of the official assignee knowing what the demands of the various cre-

ditors might be from day to day. But supposing that the more natural course was followed, according to the usual practice of the Court of Chancery, that each dividend was to be paid by the authority of the Accountant-general, that officer would take no responsibility, and it would be necessary to identify the creditors by the presence of the solicitor to the Commission, whose fee for attendance would probably make a large deduction from the amount of the dividend. Another objection to the Bill was, the amount of the percentage to be paid to these official assignees. It frequently occurred, particularly in West-India bankruptcies that the aggregate amount of assets was 400,000*l.* or 500,000*l.*, was an official assignee to have a large per-centage upon this immense sum? It even appeared by the wording of the Bill as if they were to have a percentage upon the gross assets, without reference to any deductions, while the proper arrangement undoubtedly ought to be, to make the per-centage of the official assignee depend on the sums obtained by the creditors, so as to make the interest of both parties the same. If the official assignee was to be entitled to his per centage on the gross sum, and the creditors received their dividends, of course, only on the nett, it might happen that the difference between the two sums would be extremely large, and there could be no check upon the expenses of working the Commission. It was his most full and deliberate opinion that the Bill had been concocted with too much haste, that many of its arrangements were crude and imperfect, and although he was well aware that there were errors and imperfections in the existing system, yet it did not follow, if these could be cured by an alteration of the whole arrangements, that those alterations could be made at once and off-hand without the alterations themselves being liable to many objections. He was of opinion, therefore, with the hon. member for Bridport, that it was advisable this Bill should be referred to a Select Committee, who might improve it and make it perfect if possible.

Mr. *Hunt* hoped that the Ministers would not press a Bill of this consequence at the advanced period of the Session. It would be an expensive measure, and he for one could not see what benefit the suitor would derive from it. It was understood that Sir John Bayley was to be the

w Judge; he at present was one of the **mons** of the Exchequer, with a salary of 300*l.* a-year. The salary of the Judge the proposed Court was to be 3,000*l.* ly, with quite as much to do. It was t in human nature to work more and paid less, and therefore the appearance this arrangement was so improbable, it he feared there was something behind something that was not to see the light. though the Lord Chancellor himself ght not sell the patronage created by a Bill, yet there were such persons as rd Chancellor's Secretaries, and other iers, through whom appointments to a new offices could be obtained. He ly believed there was no merit in the asure, but that it would turn out a eat and overpowering job.

Mr. *George Bankes* said, the objections ich had been so forcibly urged by many n. Members had been so feebly answered, d there appeared so many objections to e measure, that even the supporters of e Bill admitted, that as it stood it would inadequate to the purposes for which it is framed; that, in fact, a Supplemental ll would be necessary; so that it was plain at the Bill could not be sufficiently dis- eed in the present Session. The Bill went invest one man with a patronage which ght be much abused to political pur- es, while it did not provide a remedy r the defects of the present Bankruptcy mmissioners system. The Bill was, in t, so highly objectionable, that he would actng on the suggestion of the hon. mber for Bridport—move as an Amend- ent on the original Motion, that it be ferred to a Select Committee to inquire to its provisions and machinery, and port thereon to the House.

Sir *Charles Wetherell* said, he rose to cond the Motion for the Bill to be refer- d to a Select Committee, and he did so ion many of the principles which had en urged by the hon. Gentlemen who d opposed the Bill, and whose argu- ents had been wholly unanswered. To ess a measure of so much importance at ch hours and seasons as those at which is Bill had been presented, was incon- sistent with the privileges of the House of ommons. It was only yesterday that e Bill was put into a shape in which it is possible to regard it as a tangible esure—yet it was last night pressed ion their consideration at a late and un- easonable hour. Was that consistent

with fair discussion? The expense created by the Bill, would, according to the best cal- culation, amount to 26,400*l.* a-year. But that was not all. The hon. member for Buck- inghamshire admitted, that the Bill was in a great degree an experimental measure; but what was to be done with this experi- mental Court? The Chief Judge was to have a retiring pension of 2,000*l.* a-year; each of the Puisne Judges a retiring pen- sion of 1,000*l.*; and all the Commissioners, Registrars, and other officers connected with it, retiring pensions of different amounts also. This was the economy of the Bill. Then the Bill was not to come into operation until January next, yet the Lord Chancellor was, if he pleased, to be at liberty to appoint all the officers of which it was to be constituted, as soon as the Bill was passed; that was to say, to use a legal phrase, the Lord Chancellor was to have seisin of the Judges before the Judges have seisin of any Court to sit in, or any jurisdiction to attend to. That might seem very reasonable and very just to a man with a master mind, but to him it seemed most unreasonable and unjust. The hon. and learned Gentlemen on the other side of the House, although as- sembled in goodly array, did not con- descend to answer any objections. A ge- neral order had been issued apparently among them to hold their peace. The hon. and learned Attorney-General had retreated from discussion; though, on or- dinary occasions, he was withal an elo- quent and a fluent man; with a copious and elegant choice of language; no one had a greater talent for discussion: yet, somehow or other, the Attorney-General had of late been gagged in the House of Commons. When one would expect him to enter fully and fluently into discussion —when it was necessary for the explana- tion of measures which he had introduced to the consideration of the House—behold he was either mute, or most niggard and parsimonious of words. It was said, that you must pay the salaries when you ap- point to these offices, but according to this Bill the salaries were to commence in January, and the duties in February, so that, on the passing of this measure, they were to pay these gentlemen for the per- formance of no duties whatever. Perhaps the two silent Law-officers of the present Government could give some urgent rea- sons for adopting this course, were they not forbidden. Could any practical good

result, either to the suitors or to the public, from the institution of such a Court as this, or from an attempt to carry into effect a plan so involved and complicated as the present? The Court, he believed, would only be erected to be almost immediately demolished, and it would never enable any man to carry into effective or useful operation the Bankrupt-laws. He would not go into the whole of the details of this Bill, or into an investigation of all its rude and complicated machinery, for that had already been done by his learned friends; but there were one or two points which he thought peculiarly deserving of attention, and which he would allude to for the purpose of illustrating his own views. The first item was 26,000*l.* a-year for the payment of the legal batch of officers, and then came the official assignees, whose proposed enormous emoluments had already been touched on by his hon. and learned friend (Mr. Knight), and also by the hon. member for Bridport. The thirty official assignees to be paid by a per centage, were to be chosen from the merchants of the city of London, by the Lord Chancellor, thus giving a degree of patronage and of political influence to that high legal functionary which no person ought to have. The selection of the thirty merchants for official assignees ought not to be given to the Lord Chancellor—it would be better to give the patronage to the Archbishop of Canterbury, or still more desirable to give it to some civilian, such, for instance, as the Secretary of State, or the Vice-President of the Board of Trade. It was impossible, that the Lord Chancellor, with so many other duties, could find time to learn who were fit and proper persons to be appointed to these offices, and he must, therefore, rely upon the report or recommendation of his Secretary, or some other person. The Secretary of the present Lord Chancellor would, he dare say, make a proper choice, but he objected to leaving the power in the hands of any Secretary of any Chancellor. It was vain and idle to suppose, that my Lord Chancellor Brougham, or my Lord Chancellor anything else, could individually select these persons—the duty must devolve on the Secretary, or upon some other officer of the Lord Chancellor, and such a vast power ought to be intrusted to no such subordinate and inferior person. Hon. Gentlemen opposite, doubtless, recollected the number of speeches that were made

relative to the four Tellers of the Exchequer, and the great outcry that was made until these offices were abolished. The only duties these Tellers had to perform was, to give a tally for the money paid into the Exchequer, and also to keep a tally for the money paid out. They were considered as holding sinecure offices, which were, therefore, abolished; but this Bill appointed officers who, in point of fact, would be the Tellers of the Bankrupt Court, and would be sinecurists just as much as those Tellers of the Exchequer whose offices had been abolished. He invited his Majesty's Ministers to defend the appointment of these official assignees, and he challenged either of the legal functionaries, opposite to do so. The whole of their duty would consist in getting together all the property of the bankrupt, to see that it was distributed, and to take a large per centage for themselves, while at the same time all the laborious duties were to be performed by the assignees chosen by the creditors. He had seen the lists of the persons intended to fill these and other offices, and these appointments were to be a means of political patronage, so that we should have only Reforming assignees. It was said, that Mr. Justice Bayley had consented to accept one of the new offices under this Bill, and that that learned Judge most cordially approved of the proposed alterations. But he had the authority of that learned Judge to say, that he had never consented to accept any appointment in the new Court, and that he had never expressed his approbation of this Bill. It was thought necessary that the authority of some eminent man should be had in favour of this Bill—it was considered desirable that some eminent lawyer, or learned Judge—some Sir Edward Coke, or Lord Hardwicke—some Selden or Maynard, should have expressed his approbation of it; and therefore Mr. Justice Bayley was called upon to throw his cloak around it. This Bill, however, had not that learned Judge's approval, and he had never authorized any person to say that it had. He had heard the names of some of the persons who were to fill the chief offices in this Court; and he understood that a learned Serjeant, who retired some years since from Westminster Hall, was to be one of the Judges. That learned Serjeant was a most respectable and learned man; but recently he figured as a leader in the

use of Reform at all the metropolitan county meetings. That confirmed him in the opinion that all those officers would be appointed from political motives; and he protested against the Lord Chancellor appointing political persons to judicial offices. He did not mean to say, that according to the common course, the Lord Chancellor was not justified in appointing his own friends, but it was preposterous for the Legislature to establish a new Court of justice for a mere political purpose. There were no regulations in the Bill for giving the new Court control over the official assignees, but the matter was left to the Lord Chancellor, in case of complaint. He was sure that this part of the plan would lead to the greatest confusion, for a man might be appointed to one of these offices, of good mercantile ability, but still a very improper person in his disposition to discharge the duties of such an office. What enormous sums could be made by these official assignees in the case of a large failure! For instance, there was the very recent case of a large East-Indian house, which stopped payment for upwards of 400,000*l.*; and out of such a bankruptcy, even the official assignee would make a small fortune. He collected an instance of a bankrupt failing upwards of a million; and upwards of 50,000*l.* was divided amongst the creditors. The smallest per-centage on such a large sum as this would be of a considerable amount. Indeed, the places of the official assignees would be worth, at least, from 4,000*l.* to 5,000*l.* a year. There was a per centage upon the collection, and also upon the paying out, and all the money paid into the Bankrupt Court must be paid out *toties quoties*, as was wanted. The money was not to be left in the hands of the official assignees, one of the objects of this Bill was not to permit the accumulation of property in the hands of the Assignees, but to have it in *studium legis*. According to this Bill, the consent of the Chancellor must be had before the money could be got out of the Bank, for the purpose of making dividends. It was said that evening, that this power was to be given to the official assignee, and that that officer should be enabled to draw effects out of the Bank when he pleased; if this was the case, the clauses of the existing law must be altered, and there would be no security against the commission of a fraud by the official as-

signee. He agreed with the hon. member for Buckinghamshire, that the present Bankrupt-law was most defective, and that there was hardly any branch of this law in which material improvements could not be made; but it appeared to him that this Bill would do anything rather than tend to improvement. Of all the means of security for the proper division of the effects of a bankrupt, this was the most clumsy and the worst that had ever been devised. The objections to this part of the measure increased in proportion to the consideration he was able to give to it; and they were insuperable, and no alteration could remove them. The hon. member for Buckinghamshire had dwelt much upon the defective administration of the Bankrupt-laws, and stated that the chief objection was the delay. The hon. member also stated that, at the period Lord Eldon was Chancellor, previous to the institution of the Vice-chancellor's Court, all bankrupt petitions were heard in the long vacation, and that, therefore, some were necessarily postponed for nearly a twelvemonth. This was a great evil, for he had known Lord Eldon often hear several hundred bankrupt petitions. When the Vice-chancellor's Court was established, the greatest advantage was derived to the public, and the relief in the bankrupt cases was immediately felt. At the institution of that Court, the greatest objections were felt to the removal of the bankruptcy business to any other Court, as the mercantile interests thought that they were entitled to the decisions of the highest legal authority in questions of this nature. An arrangement was made, however, by which the more difficult questions were still referred to the Lord Chancellor; and, by this means, for the last ten years there had been no arrears whatever in bankruptcy cases in the Court of Chancery. No one could deny that the present Lord Chancellor was a man of great talent, and that he got through business with great rapidity; but, at the same time, it ought to be recollected that he had been materially assisted by the Vice-chancellor; for there were no arrears in his Court. The next topic he had to allude to, had reference to the officers who had been displaced. The Lord Chancellor very wittily called the Commissioners the septuagint; but this Bill would replace them by a sex-tuagint. There was no great difference between the two numbers. The present

system was to be discontinued, because seventy officers were considered too numerous; but this Bill actually appointed to succeed them between fifty and sixty persons. His hon. friend, the member for Tewkesbury, a good banker and a sensible man, as well as the hon. member for Buckinghamshire, had often told a dismal tale of the confusion arising from the number of officers in the old Court, but what would they say to this new Court? The chief complaint appeared to be, that great confusion arose in consequence of the same list of Commissioners being engaged upon more than one Commission at the same time. But surely it was not necessary to change the whole constitution of the Bankrupt Court, because the Commissioners did not ~~at~~ often enough, or confine themselves to a definite question. The whole evil, in this respect, arose from the want of a practical rule in the arrangement of business. The hon. and learned member for Newark complained that affidavits were made in this Court for the mere increase of expense, and that it was inexpedient to proceed by affidavit when issue was to be joined on a question. Was not this the common course in the King's Bench; and in many cases were not the proceedings commenced on affidavit, and more especially on all questions of *mandamus*? He was surprised, therefore, that his hon. and learned friend should vituperate this Court for doing that which was done in the chief common-law Court of this country. He certainly did not think that it was desirable to encourage the referring questions of bankruptcy to Juries; and, in the time of Lord Eldon, the trials of issues of this nature were not frequent. Great improvement might be made in the proceedings of the Commissioners, but it would not be a material amendment to hold out inducements to try issues. The trying issues would be attended with ten times the expense of proceeding by affidavit. At present the Commissioners did not hear the whole case and determine on it, but if any difficulty arose they sent it to the Chancellor to determine. It would be desirable that the Commissioners should hear the whole case, and that there should be no appeal except in case of disputed judgment; by this means the great evil arising from the continual introduction of new matter would be removed. Thus the Lord Chancellor would not have to decide on a new case, but only to con-

firm or rescind the judgment of the Commissioners on the case submitted to them. It had always been a matter of great anxiety with the merchants to get the decision of the first Equity Judge in the kingdom, but now this could not be done without occasioning very considerable additional expense, as the case must be carried through two additional Courts before the decision in this Court of appeal could be obtained. All these subjects were well worthy of the most serious consideration, and it was on this account that he was desirous to have the whole matter referred to a Committee up-stairs. He trusted that hon. Gentlemen opposite would resist being hurried on with a measure of this magnitude and importance, and would not consider it consistent with the dignity of the House of Commons that they should be found, at this late period, to pass a measure for establishing a new Court of Justice, without having an opportunity of examining into the probable workings of the Bill. The Solicitor General, when examined before the Chancery Commission, said, that he never would consent to separate the appeal in cases of Bankruptcy from the Great Seal. The appeal to the Lord Chancellor in the present Bill was a complete and idle mockery, and, in point of fact, the Chancellor would get an increase of emolument from this Bill, and would have nothing whatever to do. If this matter should be referred to the Committee, and after investigation it should be determined that these alterations ought to be made in the Court, then they should have the satisfaction of proving that they had not been hasty and unadvised in their decision. Some Gentlemen in this House would recollect the constant attacks made upon Lord Eldon, and that scarcely a week was allowed to pass over without some personal allusions being made to that distinguished man, in consequence of the establishment of the Vice-chancellor's Court. But a more able man than that eminent Judge never presided in a Court of justice; a man of greater talent and genius could not be met with; and a Judge more conscientious and laborious than Lord Eldon, never was placed on the judgment-seat. He might truly be said to have had a master-mind. He was, however, a Tory Chancellor, and therefore could not make those changes and adopt those systems which a Whig Chancellor did with perfect impunity. Hon. Gentle-

men opposite would have lifted up their hands with astonishment, and would have exclaimed against Lord Chancellor Eldon making those changes and adopting those plans which they lauded Lord Chancellor Brougham to the skies for doing. Oh, happy Whig Chancellor! Oh, unhappy Tory Chancellor! Unhappy Tory Lord Chancellor, who was to be allowed no assistance! Happy Whig Lord Chancellor, who had not only got a Vice-chancellor, but who had got a Bill that would give him a Chief Justice, three Puisne Judges, and six Commissioners, who were to relieve him of all his bankruptcy business, and give him patronage to the amount of 26,000*l.* a-year! The unfortunate master-mind of Lord Eldon was to have no assistance, and was obliged to pay 2,500*l.* towards the salary of a Judge, who was asserted to be necessary on account of his personal defects. But now the times were changed. We had now a Whig Lord Chancellor, a Whig Administration supported by Whig adherents, and they were to erect a new Court of Bankruptcy to relieve the master-mind of the Whig Lord Chancellor from all its bankruptcy business. The Gentlemen on the other side of the House seemed to be pleased with their good fortune; they seemed to be chuckling at their luck, and no doubt they had cause to chuckle when it was recollected that, day after day, Lord Eldon was attacked in this House by the Press, in every quarter, where the malignity of party could reach, and was told that he ought to do all the business of the Court of Chancery; whilst now the story was, that a new Court was wanted. They might well triumph, for the Whig Chancellor had a triumph, and they were triumphantly sailing with him down the stream of unnecessary patronage. It was upon these grounds that he was disposed to say, that although the existing system of Bankrupt-laws should receive considerable amendment, yet the system, as a system, was correct, and had had the approbation of some of the most eminent men in the Court of Chancery. Let there be, if necessary, an Act to improve the system; reduce the number of the Commissioners, compel them to exercise and complete all the duties of a Court below, but adhere to the principle of a direct appeal to the Lord Chancellor. He never, in any case, was more satisfied of the tendency of any Bill to create dissatisfaction, than he was of this Bill's having that effect;

for it would increase expense in every possible way, and aggravate all the evils now so bitterly complained of. Under these circumstances he could conscientiously second a motion for a Committee; and if the result should be, that all the merchants and lawyers had changed their opinion, let it be stated, and establish a new Court upon that new opinion; but not establish a new Court, in favour of which no man who had ever thought upon the subject could have decided.

The Amendment having been put,

The *Solicitor General* said, the hon. and learned member for Boroughbridge had reproached him for what he called the *libido tacendi*. This was a great fault in his eyes; but he would put it to the House whether he did not, in his desire to avoid it, fall into the opposite fault of the *libido loquendi*. He (the *Solicitor General*) was always most anxious to avoid wasting the time of the House by useless and unnecessary speaking; and if he now broke through his habits of silence, it was from an honest desire to bring back the attention of the House to the subject before them, and to rescue the Bill from the mistakes and misapprehensions, and consequent misrepresentations, of his hon. and learned friend himself who spoke last. The question before the House was one of the greatest importance to the mercantile public of this country. It was, whether the Bankrupt-law should continue to be administered upon a system acknowledged by most Gentlemen opposite to be bad; or be administered in the manner proposed by this Bill. His hon. and learned friend had characterised this measure by the name of "an experimental Bill." If he meant that it did for the first time offer a new judicature to the country, it was an experimental Bill; but if he meant that it was an experimental Bill, because not founded on sound reason and law, the imputation rested upon his own assertion only, for no attempt had been made to shew the fact by argument. There were several topics urged by the other side which it was needless to advert to, because the Gentlemen who had pressed them had, in many cases, answered one another. Some eulogized the present system of Commissioners, whilst others told the House that the Commissioners must, beyond a doubt, be thrown aside. The hon. member for Bishop's Castle, who addressed the House so fully and eloquently upon the subject

last night, said of the Commissioners, "A breath can make them as a breath has made." Yet they were told by others, that this body, consisting of seventy persons, were sufficient satisfactorily to decide all the various complicated questions that arose upon this branch of jurisprudence. To do this Bill justice, hon. Gentlemen must understand the whole of that system upon which it was intended to operate. At that late hour of the night he would not trouble the House with what at no time was pleasurable, a technical legal argument; and indeed he was relieved from all difficulty upon that point; for the Bill did not in the slightest degree touch the present system of law, except in one particular, which all eulogized. In that particular, it would remedy an evil pointed out by the hon. member for Buckinghamshire. He alluded to that clause in the Bill which was to give validity to concerted Commissions. The hon. member for Buckinghamshire stated the difficulties of the mercantile world in winding up the affairs of an insolvent trader by means of a deed of trust. Now, concerted Commissions would have the effect of deeds of trust, and this Bill would rescue trustees under such circumstances from the perilous responsibility which now rested upon them. His hon. and learned friend had told them, among other reasons for not altering this system, that it was founded in enlightened times. He was happy to state, for the satisfaction of the House, that it formed no part of that ancient jurisprudence which they were told ought not to be touched; that it was in truth modern, but as to whether it was founded in enlightened times, he would presently give the House reason to judge. The Bankrupt-law owed its origin to the reign of Henry 8th. Before then there was no such thing as a Bankrupt-law, or any law approaching to it in character, except those which related to our dealings with the Lombard merchants. He should say, therefore, that in the statute of the 34th and 35th of Henry 8th originated the present system. At that time our mercantile speculations were beginning to enlarge, and there being, as the preamble of the Act stated, great frauds committed by persons becoming bankrupt, the statute was passed. In what manner did it treat bankrupts? It treated them as offenders, and handed them over to a jurisdiction which could not now be justified; nor was it then attempted to

be justified, except by the exigency of the case. The statute handed over the merchant to the order and direction of the Lord Chancellor, or Lord Keeper, the Treasurer, the Chief Justices of the King's Bench or Common Pleas, and another Minister. One of these parties was always to form part of the tribunal which was to take charge of him. No forms of pleading were prescribed, no rules of Court drawn up; no orders, no directions were given; in short, no limitation was placed to the power possessed by these parties over a bankrupt. The law continued in that state for thirty years, and then came the 13th of Elizabeth, which, perhaps, might be more truly said to have laid the foundation of our present bankruptcy system. That statute introduced Commissioners as convenient persons to whom the Great Seal was to delegate the order and administration of the bankrupt's affairs. By a construction of that statute, which would now be considered questionable, if not too late, this ordering and direction, instead of being shared among the other officers of the State named in the statute of Henry 8th was assumed by all Lord Chancellors, from the reign of Elizabeth downwards. Eighteen statutes were afterwards passed upon the subject of bankruptcy, most of them of the kind he had described, till the great statute of George 2nd. They all treated the bankrupt as an offender; and although they contained clauses for the security of creditors, their provisions in other respects must make them be looked upon as penal statutes; and, what was a great singularity, one of them contained an express declaration, that, although highly penal, they were to be construed against the bankrupt in the most liberal way. The last Act repealed them all, as also fifteen general orders that had been incorporated with them. The Bankrupt-law was said not only to be very perfect on account of the number of statutes that had been passed upon it, but from the great care and attention that had been bestowed upon it by different Lord Chancellors, particularly by Lord Hardwicke and Lord Eldon. With respect to the latter, he had been under great obligations to him in the early part of his life—obligations which he should never forget, and he would join in every eulogy that could be passed upon him. As a Judge, he was as great and eminent as it was possible to be. But the present Bill was not founded upon

imputations cast upon Lords Eldon and Hardwicke. It was, indeed, the object of hon. Gentlemen on the other side of the House to deal with this case personally. He would introduce no personal observations, except of a complimentary nature. But what was the conclusion he drew from these labours of Lord Eldon and Lord Hardwicke? It was, that so monstrously defective was the system, as far as the statutes were concerned, that to make out anything like equity it was necessary to resort to great and eminent Judges, who, under authorities questionable in point of law, had given a perfection to the system for which he should look in vain in the statutes which enacted it. The first question which any man would ask in looking at this law of statutes, of orders, and judgments of successive Chancellors, must be—how can such a system have been tolerated? The fact was, that it had been only the great exertions of eminent Judges, acting on doubtful judicial authority, which had given solidity to the system. But just in the same proportion that the Judges were complimented, the system itself was proved to be defective. Perhaps the House would allow him shortly to state the actual operation of the whole system. The Statute of 1 Elizabeth appointed individuals to exercise the important functions of Commissioners. These gentlemen, the present Commissioners, were comparatively young and inexperienced; but, whatever might be their errors on that account, they were as honest, as conscientious, and as enlightened a body as could be brought together under such a vicious system. Gentlemen of eminence, experience, and standing at the Bar, could not be induced to take upon themselves these comparatively humble functions. What would the House think when he told them, that in all the reports there was not one report of a case decided before the Commissioners—no report of any argument held before them? In short, they were never considered to form a Court for the purposes of law; all matters of law in bankruptcy going, directly or indirectly to the other Courts. The hon. member for Bridport last night admitted that the average number of petitions before the Lord Chancellor was 600, and he thought he made an important distinction when he stated, that fourteen of them only were appeal petitions, and that the others were original. But what would the people of England say of

that system by which 600 petitions had been drawn from the Commissioners by the Court of Chancery, although no statute had delegated the power of hearing them to the Great Seal? All matters ought first to go before the Commissioners, and only to come before the Lord Chancellor by appeal. These petitions to the Chancellor were statements upon paper, confined by no rule of pleading, but containing pretty much what the petitioner chose to put in them. This statement had to be verified by affidavits, which were again answered by contrary affidavits. But as the history of these interminable affidavits had been given by some of his learned friends, he should not pursue it further. He had known many cases in his experience, in which the only limit set to this mischievous species of litigation (if considered with reference to expense) had been the utter exhaustion of all funds. Another matter, perhaps even more important, he must mention to the House: it was almost impossible to conceive the horrid perjuries to which this system led; but the House might form some notion of it, when he stated, that most of the cases which gave rise to these petitions, were cases in which fraud was charged on both sides, and in which there were attacks upon personal character. What was the situation of a Judge who had to decide on a case so brought before him? It was matter of daily complaint and lamentation, both by lawyers and Judges, that it was impossible in such a mass of contradictory evidence to get at the truth. This arose not only from the infirmity of all written testimony, and from the statement of the parties being voluntary, and from nobody cross-examining them, but because crimination and recrimination took place till there was a mass of affidavits containing contradictions which made the barrister throw them down in a species of moral disgust. The Judge dared not decide upon such evidence, and at last sent the case to an issue, to be tried in a Court unconnected with the Court of Chancery, where all the affidavits were good for nothing, and the case was tried as between plaintiff and defendant, with due forms of pleading, and all the advantages of oral evidence. A new trial after this might be wanted; instead of moving for it before the Court which tried the issue, the parties came again to the Lord Chancellor. If they were pleased with the manner in



which their case had been conducted in the Court of common-law, they brought the same counsel, at a great expense, to argue the motion for a new trial, into the Court of Chancery. He had known cases—both where new trials were granted and refused—ultimately decided upon grounds, which, if taken originally, would have prevented all the expense of going to a Court of common-law. Considering this as an experimental Bill, the hon. and learned member for Boroughbridge had, most likely, not thought himself bound to read it so attentively as if it were an established law, and had, therefore, fallen into a mistake with respect to the appeals to the Lord Chancellor. The appeals under the present system were such as he had stated them to be. But there was another evil to complain of. When a case had run the gauntlet of the Commissioners, of the Vice-chancellor's Court, and the Court of King's Bench, where the facts were decided upon, if some ingenious counsel could persuade the Great Seal that the matter in dispute was equity, and not to be dealt with in a Court of common-law—what, then, did the House think was the course pursued? Under the existing system it frequently happened, that before a party could receive a single shilling out of the estate to be divided, he must file a bill in Chancery, and thus commence *de novo*. The Lord Chancellor sitting in Bankruptcy, was not the Lord Chancellor sitting in Chancery. Therefore, when a bill in Chancery was filed, the party, in point of fact, commenced the whole of his proceedings *de novo*. The House would no doubt recollect the bankruptcy of Marsh, Stracy and Co., with whom the unfortunate man, Fauntleroy, had been connected. In that case every species of litigation was resorted to. In the Court of Chancery there was petition after petition. The best opinions, the soundest judgments, were given upon every disputed point, yet, from the defective state of the system upon which the bankrupt business was disposed of, the parties were still enabled to prevent a final settlement, and to multiply legal proceedings and legal expenses to an extent quite unprecedented either in his recollection, or in that of any other practitioner at the Bar. As the law at present stood, let the question in bankruptcy be ever so important, ever so proper for the consideration of a Court of law, any of the parties,

by filing a bill in Chancery, compelled the others to go through all the forms, and bear all the expenses of a long proceeding in equity. That being the case, could any man doubt the necessity of making an alteration in the existing law, and of establishing some such jurisdiction in bankruptcy as should prevent a repetition or a continuance of the evils of the present system? One of the great objects which any law upon matters of this kind should have in view, should be a speedy distribution of assets among the creditors. He had stated enough to shew that that was not and could not be the case under the existing mode of administering the Bankrupt-laws. Then, was it not the duty of Parliament to interfere, and to pass such measures as should place the creditor on a fairer footing? What was the object of this Bill? It was not to alter the law, but to improve its machinery, and the means of administering it. For he agreed with his hon. friends, that although he did not admire the means by which our Bankrupt-law was obtained, yet that, in point of fact—by what means it now mattered not—there was built up and consolidated as perfect a system of law upon the subject of bankruptcy as could well be imagined. That being the case, but abuses still existing—it was obvious, if the law was perfect, that the means of administering it must be imperfect. Then it became the duty of the Legislature to correct those means. That could only be done by establishing a new Court. To establish a new Court was the object of this Bill. To accept this Bill, then, was the duty of this House. They were asked, why establish a new Court? For this reason—that hereafter, as far as bankruptcy was concerned, law and equity might be administered in the same Court—that one single tribunal might be erected to determine that which hitherto had been subject to the various, the conflicting, the expensive and unsatisfactory decisions of different persons in different capacities, from the Commissioners to the Lord Chancellor—from a jury of the Court of common-law to the House of Lords. The hon. and learned member for Boroughbridge, among other objections to the Bill, said, that by the Subdivision Court it was proposed to vest in a single Commissioner powers which had hitherto only been intrusted to three. In his opinion, there was no reasonable ground of ob-

action upon that point. The one Commissioner would have a power which he had not hitherto possessed. That, however, only increased his responsibility, and if he had any difficulty upon a point, and desired to have the opinion of other responsible persons upon it, he would be able to obtain that opinion at once, and without any delay; he would only have to walk into another room, meet his brother Commissioners, and thus at once determine the doubtful point. Then there was the Court of Review, to which the next appeal might be made from the decision of the Commissioners. The general advantage of this Court would be, to prevent appeals from being carried either to the Court of Chancery or the House of Lords. The Judges who would preside as it were to be eminent lawyers, and from their decisions it could not be expected that many appeals would be made. The Court of Review, too, would be not only a Court of Record, but a Court of law and equity. It would try issues of fact, as well as determine points of equity. If the auditor, however, was dissatisfied, he would not lose his right of appeal to the highest tribunal of the country, any more than under the existing law; but it was hoped that, by the establishment of the Court of Review, the evils of ruinous expense and vexatious delay would, in almost every case, be effectually guarded against. The hon. and learned member for Boroughbridge had brought forward a most formidable statement with respect to the expenses to which this Bill would give rise, as well as the patronage which it would create. The patronage to the Lord Chancellor must be—would be boundless, illimitable—the expense enormous—certainly not less than £6,400*l.* a-year. How the hon. and learned Gentleman could have arrived at those conclusions he knew not. He complained of not having had sufficient time to make himself acquainted with the provisions of the Bill. How could he find out then that the patronage would be so boundless—the expenses so enormous? The fact was, that the Bill would not cost the country 1*l.* per annum, because the whole of its expenses would be more than paid out of the fees derived from the suits in the new Court. As for patronage, he hon. and learned Gentleman seemed to forget that the Lord Chancellor abolished by this Bill, the seventy Commissionerships, to which he had always had the ap-

pointment. Was there any foundation for the hon. and learned Member's argument against this Bill upon the grounds of patronage and expense? The Bill was to a certain extent an experimental Bill; but doubtless it would be found to answer. There was one other point, and one only, to which he would allude before resuming his seat. A sense of justice to the noble and eminent person who now presided in the Court of Chancery, deterred him from attempting to defend him from the attacks which had been made upon him in the House, in consequence of his introduction of this Bill to the consideration of Parliament. His character as a public man stood too high to demand eulogy from any one; he, therefore, should leave that character where he found it. Any thing he could say would fall short of his merit; and there was not one of his labours which more entitled him to the gratitude of his country than this attempt to amend the administration of the Bankrupt-laws. And if the House passed the Bill into a law, among the many monuments to his fame this would be one of the most celebrated—one of the most lasting.

Mr. Arthur Trevor moved, that the Debate be adjourned.

Lord Althorp said, if there were any Gentlemen who wished to speak on the principle of the Bill, he, of course, could not expect them to go on at that late hour, but any main objections which hon. and learned Members might have to propose would be equally available to their purpose in the Committee.

Mr. Pemberton stated, that it was his intention to offer certain arguments which applied to the principle of the Bill.

The Debate adjourned.

#### HOUSE OF LORDS, Thursday, October 13, 1831.

*MINUTES.*] Bills. Brought up from the House of Commons and read a first time; the Relief and Employment of the Poor; and the Barbadoes Importation Bill. Committed; Arms (Ireland); Consolidated Fund Appropriation. Read a third time; White Boy Offences (Ireland.)

Petitions presented. In favour of Reform. By the Earl of MURRAY, from the Inhabitants of Kinsale:—By Lord KING, from Inhabitants of Great Wigston, for the Elective Franchise in Galway to be extended to Catholics. By the same NOBLE LORD, from the Catholic Inhabitants of Merchants Quay, Galway. By the Marquis of LANSDOWN, from the Inhabitants of Rossmore. By Lord KING, from Inhabitant Householders of St. Giles's in the Fields, and St. George's Bloomsbury, in favour of the Vestries Bill. By the Earl of MURRAY, from the Inhabitants of Lisamore for the Abolition of Slavery.

*IRISH YEOMANRY.*] Lord King pre-  
Z. 2

sented a Petition from the Landed Proprietors, Householders, and Inhabitants of the county of Carlow, praying that the Yeomanry force of Ireland should be disbanded, and another force substituted to preserve the peace. The petitioners stated, that the Yeomanry of the county of Carlow were men of the lowest ranks, and the employing such men to preserve the peace was itself a cause of much violence and disturbance, and therefore on that account they were anxious that their Lordships should adopt some measure to dispense with the Yeomanry force. It might, perhaps, be difficult to dispense with that force at present, but he agreed with the petitioners, that another force would answer the purpose better. During the Administration of Lord Cornwallis, the Yeomanry were kept in the back ground, and it was improper to employ them at all, except in times of great difficulty and danger. They could not be employed in ordinary times, without perpetuating the evils of animosity and dissension, which were too prevalent in Ireland. He took this occasion to present the petition, as he saw several noble Lords connected with Ireland on the opposite bench.

The Earl of Roden thanked the noble Lord for presenting the petition when they were in attendance, and could give an answer as to the charges against the Yeomanry. The noble Lord was totally mistaken when he stated that the Irish Yeomanry were men of the lowest rank. They were a body of substantial men, and remarkably well adapted for effectually putting down disturbances, and they were men attached to the best interests of Ireland. As to their being men of the lowest order, he could answer that by a direct negative. He was himself a Captain of one of these corps, and could answer for their general good conduct.

Lord King said, that he himself knew little of Ireland, and had, therefore, only expressed the opinion of the petitioners, when he stated, that the Yeomanry of the county of Carlow were of the lowest description. He did not dispute the devotion of the Yeomanry to their country, but he was of opinion, that they ought to be employed only in times of difficulty and danger, and at present they might well be dispensed with.

Viscount Lorton begged to confirm in the strongest manner what had been so well said by the noble Earl, with respect

to the efficiency of the Yeomanry of Ireland. The noble Baron, who professed to know so little of the country, was misinformed by interested persons, and he had also to be told, that he was not correct in his observations with respect to what he said of the system pursued during the government of the Marquis Cornwallis.

The Marquis of Westmeath was himself an Officer of the Yeomanry, and could speak to their general good conduct. Some unhappy occurrences had lately taken place, to which the attention of Government had been directed; Ministers had done everything to repress and restrain such occurrences,

Petition to lie on the Table.

[GALWAY FRANCHISE BILL.] On the Motion of the Marquis of Clanricarde, the House went into a Committee on the Galway Franchise Bill.

The Duke of Wellington said, that he was surprised the noble Marquis had not moved the repeal of the Act of the 4th of George 1st, instead of bringing in a Bill partially to repeal it, and admit Catholics to the rights of freemen of that Corporation. When he had taken up the subject he had sought to do away with the Bill altogether, as it was inconsistent with the spirit of the law now adopted towards the Roman Catholics of the United Kingdom; and it was only by inadvertence, when he brought in the Catholic Relief Bill, that he omitted to propose to repeal this among the multitude of other obnoxious Statutes which that measure got rid of. He wished to draw their Lordships' attention to the preamble of the 4th of George 1st, with a view to show the true meaning of that Act, and how inconsistent it was to allow any part of it to remain in force: the preamble stated the great importance of the loyalty and fidelity of the garrison of the town of Galway to the Protestant interest; it also set forth the disposition of the majority of the Corporation to favour Popery, and to create freemen favourable to that religion. Among the various enactments there was the very important one, that four Magistrates of the county of Galway, being Protestants, should have jurisdiction as Justices of the Peace within the county of the town, and that from the 40s. freeholders, being Protestants, should be selected the Juries to try offences committed within the town. And further, that any Protestant artizan or tradesman resident within the town

for seven years, should, at the expiration of that term, claim as a right his freedom both of the town and the Corporation upon taking the oaths. There could be no reason whatever, that such an anomaly as any part of this Bill should continue, when the 40s. freeholders throughout Ireland generally had been disfranchised, unless it was with a view to admit into the Corporation of Galway a body of 4,000 or 5,000 persons of the lowest class, who would claim the right of voting for Members of Parliament. On account of these reasons, it was evident the Bill of the noble Marquis was altogether at variance with the 4th of George 1st, and it never could be consistently engrafted on it. The better way, therefore, was, to repeal the old and offensive law altogether, for which purpose he should beg to move as an Amendment, "That from and after the passing of this Act," at page 3, line 2nd, there be inserted the words "the whole of the above-recited Act to be repealed."

The Marquis of Clanricarde said, he was somewhat surprised at the course pursued by the noble Duke. If his amendment were carried, it would effect a great and extraordinary change in the Corporation and constituency of the town of Galway. The noble Duke proposed to repeal the whole of the Act of the 4th of George 1st, but it was not only by virtue of that Act, but by a charter granted by Charles 2nd, that the freemen of the Corporation had a right to return Members to Parliament. Even prior to that by some centuries, in the reign of Richard 2nd, about the year 1376, they had received a charter from that Monarch. There was evident proofs that the borough of Galway was a Corporation, not only by virtue of various charters, but also by prescription. Previous to the Act of the 4th of George 1st, the right of admission into the Corporation was enjoyed by all persons resident in the town. In 1715, however, the matter had been brought before the Irish House of Commons, who had resolved, that the freemen of the several trades of the county of the town of Galway were part of the constituency; and, therefore, as such entitled to vote for the town this was of course subsequent to the charter of Charles 2nd, by which the privilege of voting was to be obtained, either by admission into the inferior guilds, or by admission to the Corporation. This charter was afterwards followed by the Act of 4th George

1st, which gave the right of admission to the freedom of the town and Corporation of Galway, and also to the Company or Corporation to which their respective trades might belong, without the payment of any fees, to artisans of all descriptions who had followed their trades for seven years within the town, and which also exempted such persons from certain Corporation taxes and fines. This, then, was the footing on which the Corporation of Galway now stood, and he knew many Protestant freemen who had supported their right although the guilds of their trades had fallen into disuse, and notwithstanding the opposition of the Corporation of that place. The noble Duke did not dispute the policy of putting the freemen of both religions on an equality, but he adopted the novel principle of legislation, that because a certain wrong had gone on for some time it was necessary to take away an unquestioned right which had previously existed and been exercised. There was another very important reason for not repealing the Act of 4th George 1st, for it enabled the Lord Lieutenant to appoint four additional Magistrates, besides those of the Corporate body, to which, before, the Magistracy had been entirely confined. This power had been most beneficially exercised on several occasions. So far from violating Corporate rights by passing the Bill now before them, their Lordships would be only protecting existing privileges. It was the Corporation of Galway which had violated Charters; they had been guilty of speculation, and were insolvent. The Corporation had made no complaints of injustice being done to them by this Bill worth notice, and the petitions that had been presented, and public opinion, were decidedly in favour of the Bill. It had been said, that a number of persons had been excluded from the right of voting under the 4th George 1st, but there was no proof of the number being large. It was, however, for their Lordships to consider, whether by the repeal of the whole of the Act under which the Protestants had enjoyed the right, they would consent to commit an act of great injustice. He felt assured the Committee would not think of upholding a monopoly which had prevented individuals of a particular class from locating in Galway, and which had obtained the whole power and control over the municipal affairs of the town. The prayer of the whole respectability of the

town and its vicinity was in favour of the Bill now before their Lordships.

Lord *Ellenborough* said, as far as he understood the argument of the noble Marquis, he appeared to object to the amendment proposed by the noble Duke, because it would tend to disfranchise certain Protestant freemen who had obtained the right of voting under the 4th George 1st. He assured the noble Marquis there was no such intention on the part of those who proposed the total repeal of that Act. At the same time there would not be the least objection, if the Amendment was carried, to preserve the right of voting to those individuals for their lives, such a proposition was perfectly consistent with justice and reason. As to himself individually, he was ready to acknowledge, that he had great objections to disfranchise any person, but the noble Marquis had no such scruples, for he had recently voted for the disfranchisement of upwards of fifty boroughs without the electors having been guilty of any offence. He (Lord *Ellenborough*) had voted for the second reading of the Bill now before them, because, after the passing of the Catholic Relief Bill in 1829, he considered the principle of this measure, which went to equalize the franchise between persons of both religions, Protestants as well as Catholics, was a proper one to be adopted. The 4th George 1st, for certain reasons stated in the preamble, drew a distinction between Catholics and Protestants, and gave the latter specifically certain rights. If that was so now, when every other distinction between the two religions had been abrogated, it was quite right that an Act which kept up local distinctions should be wholly repealed. He, therefore, was of opinion, that the course recommended by the noble Duke was the safest, and he thought it was a better plan to expunge from the Statute-book an Act totally at variance with the spirit of the present times towards Roman Catholics, than to engraft on it an Act like that proposed by the noble Marquis. The Bill proposed to enfranchise a certain number of persons of the Roman Catholic persuasion, and to give them the rights of freemen of the town of Galway; but it should be recollected that, according to the assurances of his Majesty's Government, a Reform Bill would soon pass into a law which would destroy the rights of those very freemen; and if the predictions he heard were true, they would

never be called on to exercise their votes unless the calamity, which God forbid, occurred—namely the death of the hon. member for Galway before the next Session of Parliament. He could not understand why this Bill was brought in, instead of one for the repeal of the Act of George 1st; and if it were supported by his Majesty's Ministers, he could only say, it bore the appearance of being a most scandalous job.

The Duke of *Wellington* said, he did not understand that the Charter gave the right of voting to those freemen claiming that right in respect to the exercise of their trades; but in order to form a correct opinion of the Charter it ought to be before the House. He was ready to admit there was a Resolution of the Irish House of Commons in 1715, which stated, that persons holding their freedom as artisans had the right of voting, but then the Act of the 4th George 1st passed two years after, in 1717. Now, with respect to the difference which existed between the Act and the Resolution, it might be accounted for easily, because in framing the enactment it was found necessary, in all probability, to revert to the terms of the Charter. If there were any persons whose interests would be effected by the total repeal of the obnoxious Act, let a special provision be made in their behalf. He wished everything to stand on the same footing with respect to Galway as before the passing of that Act; that would leave the whole question respecting the Corporation open for decision hereafter.

The Marquis of *Clanricarde* said, after the remarks that had been made, he wished to state some facts relating to the local situation of Galway itself, and his connection with that district. In the first place, there was the town of Galway itself, and then there was the county of the town, which extended some distance round it, and contained a numerous population. His property was in the county of the town, and a considerable number of persons who resided in it had the right of voting. Another gentleman was in the same situation with himself as to property and influence, and there were several smaller proprietors who possessed a less number of tenants. His influence was, therefore, considerable as it stood at present, but this Bill would let in so many town voters, that it would be completely swamped by their number; this was the

best answer he could give to the charge of this Bill being a job on the part of Ministers.

Lord *Plunkett* said, he thought it impossible that the noble Duke's amendment could be adopted, because, if the whole of the 4th of George 1st was repealed, the power of appointing Magistrates for the town of Galway would be taken away. He wished also to suggest to the noble Duke, that he was in error as to the constitution of the Corporation of the town of Galway. The noble Duke appeared to suppose it was only regulated by the Charter of Charles 2nd; but he assured him that was not the case. The Corporation, to his knowledge, held their rights under more than one Charter. Indeed, there could be no doubt but that it was a borough by prescription, and if the whole of the 4th George 1st was repealed, it would create great inconveniences with respect to the municipal government of the place. For the last century the facility of obtaining the freedom of the place had been possessed without a question, and so long as these facilities had been enjoyed exclusively by Protestants there had been no objection to them. The change of circumstances, however, consequent upon the great measure of Catholic Emancipation had made it necessary that this privilege should be extended to Catholics. The noble Baron (Lord *Ellenborough*) however, considered that because a measure might be hereafter introduced which would ultimately do away with, or at least alter the principle of voting in Corporations, therefore it was a work of supererogation to confer the right of voting by means of this Bill on the persons who would be entitled to it; but really no such thing would take place, because the rights and privileges of such persons would be continued for their lives, and, therefore, if they once got possession of them, they would, of course, retain them.

Lord *Ellenborough* said, all he had contended for was, that if the Reform Question was to be brought forward again next Session, these parties would stand precisely in the same position they did now. They were not freemen at present, and the effect of that measure would be to declare that such freedoms would not in future be allowed to exist.

The Duke of *Wellington* said, that by the 7th of George 4th, the Lord Lieutenant could authorize the Lord Chancel-

lor to appoint four Justices of the Peace for Galway, and that obviated any inconvenience that could arise from a repeal of the Act alluded to by the noble and learned Lord.

Lord *Plunkett* said, the noble Duke was quite right as to the provisions of the Act he had quoted, but the appointment could only take place under particular circumstances, and much inconvenience might arise if vacancies in the event of the decease of any of the present Magistrates could be only filled up by the Lord Chancellor, after application to the Lord Lieutenant in Council. With respect to the noble Baron's remark that it was inconsistent to bestow a franchise now, to take it away next year, he had not shown that it was to be taken away, and therefore his remark went for nothing.

Lord *Ellenborough* said, he would persist in saying, that it was inconsistent on the part of the promoters of the Reform measure, which went to abrogate Corporate rights, to create a constituency of that character at present.

The Earl of *Mulgrave* said, he considered it perfectly consistent with the promoters of the Reform Bill to pass this measure, and he regretted the noble Baron had not put the House in possession of his sentiments when that question was before them, rather than now deal out his bit-by-bit speeches on a subject of so important a nature.

Amendment negatived, and the Bill went through the Committee.

REFORM.] The Lord Chancellor presented a Petition from the Royal Burgh of Inverness, signed by 929 persons, in favour of the Reform Bill.

Lord *Holland* presented a Petition to the same effect from Deptford, in Kent, signed by 1,300 persons.

The Earl of *Harrowby* said, he did not rise to oppose the reception of such petitions, but, on the contrary, to express his satisfaction at seeing such petitions presented. Their presentation was a proof that the people did not consider that the late decision of that House shut the door upon all Reform. The fact of such petitions being presented, showed that the people looked on that decision in a proper light, and that they did not take for granted, that all who opposed the specific measure which was then brought forward, did not entertain sentiments favourable to

a change in the constitution of the House of Commons to a greater or lesser extent. From what had fallen from the noble Earl at the head of his Majesty's Government, in the course of the discussion on the Reform Bill, and from other noble Lords on that side of the House, the inference might be attempted to be drawn, that the opposition of their Lordships was extended to all Reform, and that it was not confined, as it really was, to the specific measure of Reform which they had then to consider. He, at least, was not to be included amongst any individuals, if such there were, who had expressed an opinion against all Reform whatever. In order that there should be no misconception on that point, he would just briefly re-state what he had said in his former address to their Lordships, in the course of the discussion last week, with regard to the extent and species of Reform to which he (the Earl of Harrowby) was willing to give his assent. He then stated, that he felt, that if any change was to be effected in the constitution of the House of Commons, it should be effected only when it was demanded by a large portion of the intelligent community of the country; and when, if such a change were not effected, the Government would not be able to conduct the affairs of the country with efficiency, and for its advantage, happiness, and tranquillity, on account of having lost the confidence of the intelligent part of the public. Believing that they were placed in such circumstances at present, he was not the man to say, that he would oppose any change which in his conscience he believed would not place us in a worse situation than we now were in. He would take the liberty to repeat what he stated last week—that he was friendly to the extension of the franchise to wealthy and populous places, possessing such distinct and important interests that it would be for the good of the country at large that they should obtain a separate Representation. He was for an extension of the franchise in that way, and he begged to say, that he would not be niggardly in carrying that principle into practice. He would further say, that he would be far from objecting to an extension of the constituency in the large counties, and if he was ready to do that, as a consequence he would be ready to agree to the cutting off of a certain number of boroughs on the other side, in order to make room for such

new Representatives. He was, in questions of this description, not disposed to act upon a general principle in reference to all individual and particular cases; nevertheless, by diminishing or extinguishing the franchise in places the least considerable in point of wealth and population, he would propose to make room for the additional Representatives from the larger and more wealthy places to be enfranchised. He would not, however, admit any precise limit of population as a standard for the disfranchisement of boroughs. That he looked upon as one of the very objectionable parts of the late Bill. Whatever objections might be urged against making population merely the basis of Representation, there were great objections to making it the criterion and the basis of disfranchisement, and to the disfranchisement upon such a principle, and without any proof of corruption, of a number of boroughs, possessing a great diversity of franchise, rights, and privileges. He objected to the establishment of one uniform kind of franchise, and he objected to the qualification of the voters as being too low, and as being thereby calculated to lead to bribery and corruption. Those were his principal objections to the Bill which his Majesty's Ministers had brought forward. Instead of objecting to the regulations for diminishing the time of elections, and for taking the poll in one day, he, on the contrary, thought that the adoption of such regulations would be most desirable. These were the sentiments which he entertained on this subject. Their Lordships could not be surprised that he was anxious to re-state them, in order to set himself and the body to which he belonged, right with the public on this point, and to do away with the impression, if any such prevailed, that because they had thrown out the late Reform Bill, they were opposed to every species of Reform.

The Earl of *Haddington* was anxious to express his entire concurrence in what had fallen from his noble friend who had just sat down. He was not opposed to all Reform, and whenever a measure of Reform should be brought forward, founded upon principles which he should consider consistent with the safety of the established institutions of the country, and of the Constitution itself, he would be most ready to give such a measure the fullest consideration, trusting to see it carried into effect.

**Lord Holland** said, that the petition which he had presented was not in favour of Reform generally, but was in favour of that particular Bill which their Lordships had postponed. Glad, however, as he was to hear the sentiments which had fallen from the noble Earl (the Earl of Harrowby) he should not quarrel with that noble Earl's logic, which deduced from the presentation of such a petition, the inference that the people did not think that their Lordships were opposed to Reform, and he was ready to agree in the conclusion to which that noble Earl had come, that the decision of their Lordships the other day, with regard to the Reform Bill, was not final or fatal on that subject. He (**Lord Holland**) confidently believed and stated that such a measure as that which had been recently postponed, would, ere long, become the law of the land. As that Bill had been, strictly speaking, only postponed by their Lordships, the presentation of petitions in its favour was not irregular.

The **Lord Chancellor** had but one word to say on this subject. He would not go into the subject now, nor would he discuss the question whether the scanty contribution of the noble Earl was one that would be calculated to satisfy the people. He wished merely to state, that the petition which he had presented did not prove any such thing as that which had been assumed by the noble Earl. That petition came from Inverness, and it was not physically possible that the decision of that House on Saturday last could have been known there time enough to allow of a petition, now presented, to be adopted subsequent to the arrival of the intelligence in that place. The fact was, that his petition was on its way to town last week, and it would have been presented before this to the House if it had reached him sooner.

Petitions to lie on the Table.

SCOTCH APPEAL CASE.] The **Lord Chancellor** said, that he had made inquiry into this case, and found that no material loss would result to either party, by risking the postponement of it till another Session. Under these circumstances, and being of opinion that it would be much better not to proceed in the matter without investigating all the precedents that bore upon it, he should not, for the present, press the Second Reading of the Bill. **Lord Ellenborough** perfectly concurred

with the opinion which had been expressed by the noble and learned Lord.

**Lord Wynford** thought, there was a previous question which he wished their Lordships to decide. The Bill assumed two things which were false. It assumed that the judgment ordered the cause to be tried by a Special Jury of merchants, whereas the judgment only directed that the cause should be tried by a Special Jury, and said nothing about merchants. This was the order of their Lordships, and the Court of Session ought to have complied with it. The Court of Session, however, had not thought proper to do so. Now, if he, when presiding over the Court of Common Pleas, had thought proper to deal with any order of their Lordships as the Court of Session had dealt with this order, he had no doubt that he should have been brought before the House to answer for his conduct. Another thing which the Bill assumed was, that the Court of Session had no power to examine the parties before a Jury. This was not true. The Court of Session had the power, and if they were not aware of the fact, they ought to be informed of it. He took it, also, to be as clear as day-light, that the House had the power to amend their order without a Bill of this kind. The Bill, therefore, was unnecessary. As to rehearing a case, he spoke upon good authority when he said, that their Lordships ought not to re-hear any case, however erroneous the judgment they had pronounced in it might be; because it was better even that injustice should be done in one case, than that the foundation upon which all property was held should be uncertain and unsettled. As to the judgment in this case, it was not erroneous. He had the authority of his noble and learned friend (the Chief Baron) for saying this. His noble and learned friend had examined the case, and had pronounced the judgment to be right. In conclusion, he must again observe, that the parties would have been in possession of their money long before this, if the Court of Session had not taken upon themselves to neglect the order of their Lordships.

The **Lord Chancellor** said, that this was a matter in which he could have no interest—a matter of perfect indifference to him. He did, however, think it necessary to notice what had fallen from his noble and learned friend respecting the Judges of the Court of Session, lest something



unfavourable to those learned persons—something to their disparagement should go forth. His noble and learned friend had blamed the Judges of the Court of Session for not paying instant obedience to the order of their Lordships: but he begged to assure their Lordships that he had seen the correspondence on this subject—correspondence than which nothing could be more respectful, but which, at the same time, proved that these learned Judges had felt great difficulty in carrying their Lordships' order into execution. They felt that they had not the power to carry it into execution. He thought it but fair and just to the Judges of that Court to assure their Lordships, that those learned persons were wholly free from the charge of contumacy, or of holding out against a judgment of their Lordships.

Lord Wynford: I did not charge them with that.

The Lord Chancellor: No: he knew his noble and learned friend had not used those words—had not made that charge—his noble and learned friend had only said that if he, as Chief Justice of the Common Pleas, had behaved as the Judges of the Court of Session had behaved, he should have been made to answer for his conduct to that House. He was quite sure, however, that his noble and learned friend could not mean by this that the Judges of the Court of Session ought to be brought before the House to answer for their conduct. Of course his noble and learned friend could not have meant that. His noble and learned friend was quite satisfied that that House might amend its own order if it pleased.

Lord Wynford: Other Courts do it.

The Lord Chancellor: No doubt they did; but they were inferior Courts, whose judgments were subject to revision. He was one of those who thought that if a Court from which there was no appeal could amend its orders in substance—for clerical errors stood on different grounds—a door would be opened to the most perilous results. However great, therefore, might be the satisfaction of his noble and learned friend on this point, he could not go along with his noble and learned friend in that satisfaction, without diligently consulting all the precedents which bore upon the subject. He must be satisfied as well as his noble and learned friend, and for that purpose he now postponed the second reading of the Bill.

The Order of the Day discharged, and second reading of the Bill postponed.

HOUSE OF COMMONS,  
Thursday, October 13, 1831.

MINUTES.] New Writ ordered. On the Motion of Lord JOHN RUSSELL for Cambridgeshire, in the room of Lord FRANCIS GODOLPHIN OSBORNE, who had accepted the Chiltern Hundreds.

Petitions presented. For disbanding the Irish Yeomanry Corps. By Mr. LAMBERT, from the Inhabitants of Killegney and Chapel Roadroit and Templecooby. By Mr. WALKER, from Inhabitants of Baintown, Ferras, Kilmackridge, Mayglass, Ballymore, Killiniek, Shathmen, Wexford County and Wexford Town. By Mr. GRATTAN, from Kildalkin. By Mr. WALKER, from the Inhabitants of Lady's Island, Cairn, and St. Margaret's, against any further Grant to the Kilmare Street Society. By Mr. LITTLETON, for some provision in the Beer Bill for the better observance of the Sabbath, from the Inhabitants of Bury St. Edmond's, Newcastle-under-Lyne, the Staffordshire Potteries, and from the Inhabitants of the Metropolis and its Vicinity. By Mr. WILKS, from the Friendly Societies of Birmingham, for the amendment of the Friendly Societies Act. By Mr. HOLMES, from the Corporation of Anstruther Wester, against the Clause in the Scotch Reform Bill for disfranchising the Five Boroughs; from the Farmers and Occupiers of Land in Fulhill, South Stafford, to extend the right of Voting to all Occupiers of Land at the same rate of Qualification as Occupiers of Houses, and from the Magistrates and Landed Proprietors of Wigtown against the use of Molasses in Breweries. By Lord CAVENDISH, from the Freeholders of Stokely against the General Registry Bill. By Mr. HENRY GRATTAN, from the Inhabitants of Kildalky, for the amendment of the Law relating to Roman Catholic Marriages. By Mr. HUMS, from the Retailers of Beer of Wolverhampton, Bilston, and their Vicinities against the Sale of Beer Bill. By Mr. SPRING RICE, from the Corporation of Galway, that the right of Election by resident Freemen of that place, admitted since the 1st March, 1831, may be preserved; from the 50L Freeholders and 10L Household-ers of the County of the Town of Galway, to provide that the peculiar Franchise of Galway may remain in the resident Merchants, Tradesmen, and Artisans; and from the Town and Corporation of Galway to preserve the Elective Franchise to Catholics in that Town on an equality with Protestants.

FORGERY OF SIGNATURES TO PETITIONS.] Mr. Henry Grattan said, the hon. member for Oxford (Sir Robert Inglis) had presented a Petition which he (Mr. Henry Grattan) had at the time said was an imposition practised on the House. Since that time, by direct application to some of the parties whose names were said to be signed to that petition, he found that the statement he had then made was perfectly correct. Two English gentlemen, whose names were affixed without their consent, complained that they had sustained an injury by the forgery of their names, and the Reverend Thomas Perceval Magee also declared, that application had been made to him to sign the petition, but that he had refused. This was a subject which required investigation. He was in the judgment of the House as to

what course he should adopt, but he believed in former cases of the kind a Committee of Inquiry had been granted.

Sir Robert Inglis said, at the time he presented the petition he had declared to the House, that the petition had been forwarded to him by post, and that he was not acquainted with the names of the parties subscribed to it. But, in consequence of the statements made by the hon. and learned members for Meath and Kerry, he had felt it his duty to institute some inquiry, and he had been informed by the gentleman from whom he had received the petition, that he knew of no names being attached to it without warranty from the owners, but that it had been left at several booksellers' shops for signatures, and therefore, he could not be responsible that all the names attached to it were genuine: certainly, it seemed doubtful on an inspection of the names indistinctly written, whether the allegation of forgery was borne out, for it was extremely difficult to decipher one name in particular, and say whether it was Howell or Fowell. In the Athlone and Carrickfergus cases the petitions contained the names of freeholders, the authenticity of which it was easy to ascertain but in the petition now under review no places of residence were affixed and, therefore, it would be extremely difficult to prove that the two signatures bearing the name of Howell were really intended to represent those of the two gentlemen who complained that their signatures were affixed without their authority. With respect to the name of the Reverend Mr. Magee whose name was also attached to the petition, he understood from that gentleman that it had been affixed by a friend of his who misunderstood his intentions: his objection was not against the prayer of the petition, but against certain expressions contained in the body of it.

Mr. O'Connell said, the hon. Member had only done his duty in presenting a petition which had been forwarded to him, and his conduct was by no means impugned by the complaint now made; but the individual who had forwarded it to him had been guilty of very improper and very great inadvertence, to say the least of it. He hoped the House would bear in mind, that the identical names of two respectable brokers were affixed to it, which no doubt were a forgery, for their handwriting was attempted to be imitated. As

to the friend of the Reverend Mr. Magee who had signed his name without his consent, it was necessary that he should be known, for, perhaps the House might indulge him with a residence within the walls of Newgate. He hoped the hon. member for Meath would not let the subject drop, but have it regularly brought under the notice of the House next Session.

Sir Robert Inglis said, if the House once attempted such a course it would be dragged into interminable inquiries.

Mr. Hume said, as there appeared no doubt that the names of three individuals had been surreptitiously attached to the petition, he hoped that a Select Committee would be appointed to inquire into the subject.

Mr. Henry Grattan would certainly move in the next Session for the appointment of a Committee to investigate the business.

BARBADOES AND ST. VINCENT IMPORTATION BILL.] On the Motion of Mr. Spring Rice, the Standing Orders were suspended, and the House went into a Committee on this Bill.

Mr. Hume said, so far was he from having any objection to the Bill, that he regretted its provisions were not more extended. It would be, in his opinion, the best way to allow all the West-Indian islands to obtain food at the cheapest market, but which they had hitherto been prevented doing from the opposition of the landed and shipping interests of this country, who desired to have the monopoly of supplying them.

Mr. George Robinson said, he must enter his protest against the principle laid down by the hon. member for Middlesex, as to the propriety of allowing the colonies to supply themselves in all cases at the cheapest markets; such isolated observations were likely to mislead people who did not consider the whole nature of the question.

Mr. Hume said, he was always an advocate for the rights of all classes of his Majesty's subjects. It was quite clear, that if the colonies could purchase provisions, and necessaries on cheaper terms than they now obtained them, it would lessen the expenses of production, and by that means tend to relieve their distress.

Mr. Labouchere hoped that some other means than those pointed out by the hon. member for Middlesex would be adopted

to relieve the existing colonial distress, but especially the two unfortunate islands the present evils of which were so much aggravated by a natural and wholly unforeseen calamity. He was satisfied that a stronger case for the liberality of the country generally had never existed, and therefore he hoped that relief which the circumstances of the case required would be instantly afforded.

Mr. *Leader* said, he could assure the House that the extent of the calamity was unparalleled, and he was satisfied that the House and the country only required to know its full extent, to adopt every measure that circumstances would permit to relieve their manifold distresses. As his hon. friend the member for Middlesex, had remarked that a monopoly existed in this country for supplying these islands with provisions, and he appeared to point at Ireland, he begged to assure him, there was no further monopoly but that the supplies from that country were both cheaper and better than could be obtained at other places.

Bill went through the Committee.—House resumed, Resolutions reported, and Bill read a third time and passed.

RESIGNATION OF EARL HOWE.] Mr. *Trevor*, seeing the noble Paymaster of the Forces in his place, begged to call his attention to a paragraph which had lately appeared in the public papers. In that paragraph it was stated, that a noble Earl, who had recently held a high situation in the Queen's household, had been dismissed from his office for the vote which he had given on a late occasion against the Reform Bill in the other House of Parliament. It had been understood that a situation in the Queen's household was held perfectly distinct from all party or political considerations. He believed there were instances in which noble Lords had held that office for a long time, and had always voted against the Administration of the day. It was also a fact, that the noble Earl had tendered his resignation of this office before he gave his vote against the Reform Bill. Why his resignation was not then accepted it was not for him (Mr. *Trevor*) to explain; but it certainly did appear extraordinary, that after the noble Earl had made a declaration of the mode in which he intended to vote, he should have been allowed to retain his office; and yet, that after he had

given his vote in the way which he had previously stated, he should be unceremoniously dismissed. He thought that the circumstances of this case required explanation, both as regarded the House and as regarded the country.

The hon. Member was sitting down, when The *Speaker* asked the hon. Member whether he intended to make any motion.

Mr. *Trevor* did not intend to conclude with a Motion; he had only intended to ask a question.

The *Speaker* said, that the hon. Gentleman had gone into an argument, and it was not quite clear what question he intended to put.

Mr. *Trevor* said, that as such was the case, he would confine himself to this simple question—was Earl Howe dismissed from his office of Chamberlain to the Queen on account of his vote against the Reform Bill?

Lord *John Russell* said, that as far as he was informed—and the question did not fall within his department—it was not until after the noble Earl had given his vote against the Reform Bill that he had tendered his resignation, and then his resignation had been accepted.

POLAND.] Colonel *Evans* said, he had no intention to trespass on the House, but in common with every friend to humanity he had witnessed with strong feelings the course of the disastrous contest which had lately devastated the unhappy country of Poland. He admired the spirit, bravery and patriotism which had been invariably displayed by the people. He would at present, however, content himself with moving, "That an humble Address be presented to his Majesty, that he will be graciously pleased to give directions that there be laid before this House, copies or extracts of such information as may have been conveyed to his Majesty by the Cabinet of Russia, and by the accredited agents of the late *de facto* government of Poland, concerning the cause of the war which has been waged in the latter country; also shewing how far neutrality appears to have been preserved by the States bordering on Poland, especially Prussia; also, of such mediation between the belligerents as may have been adopted, contemplated, or proposed, by his Majesty's ally the king of the French, in conjunction or otherwise; and of the assurances (if any), which may have been conveyed to his Majesty by the emperor

of Russia, whether before or since the capture of Warsaw, in respect to the just observance in future of the constitutional rights, nationality and independence of the kingdom of Poland, as guaranteed by the Treaty of Congress of Vienna, and other diplomatic acts of that period."

Lord Althorp said, that considering the great variety of papers for which the gallant Officer had moved—of which some related to circumstances now under dispute, and others affected negotiations still in progress—he felt it impossible to accede to this Motion. Moreover, the granting of it would produce the greatest inconvenience, as it would affect the state of the negotiations now depending between Russia and Poland on the one hand, and between Russia and all the other countries of Europe on the other. Indeed, the production of these papers would put a stop to all the present diplomatic arrangements.

Colonel Evans would, under these circumstances, postpone this Motion till the next Session of Parliament. He hoped, however, that the House would not in the interim be indifferent to the armed occupation of Poland.

Motion withdrawn.

**VESTRIES BILL—PRIVILEGES OF THE HOUSE.]** Mr. Trevor rose to call the attention of the House to a case of great importance. He held in his hand, an advertisement, which had appeared in *The Times* newspaper of the 7th instant, relative to the passing of the Vestries Bill. The advertisement to which he called the attention of the House was drawn up in the following manner:—"Select Vestries. —At a numerous meeting of the Committeees and inhabitant householders of the parish of St. James, Westminster, the following resolution, proposed by Mr. Ewen, and seconded by Mr. Pitt, was unanimously agreed to:—"That this Committee acknowledge with the utmost gratitude, the exertions of his Majesty's Ministers in favour of the Bill for the better regulation of Vestries, &c. now before Parliament; and as the success of that excellent measure is no longer doubtful, it is the opinion of this Committee, that the meeting of the inhabitant householders of this parish, for the purpose of taking into consideration the propriety of withholding the payment of all parochial rates under the select vestry sys-

tem, as advertised in *The Times*, *Morning Herald*, *Morning Chronicle*, and *Morning Advertiser*, on the 23rd of September last, should be postponed, and in the mean time the Committee recommend to the householders not to uphold the payment of such of the rates as may have become due—William Maule, Esq, chairman.' He considered that if such threats as were conveyed in that advertisement were allowed to be made, and the people were told to withhold the payment of taxes, it would be impossible for that House or the other House of Parliament any longer to exist as a deliberative assembly. Though he was inclined to regard parish politics with the greatest contempt, yet he thought that he was justified in bringing this case before the attention of the House; because, if not noticed and reprobated, it might form an example which would be followed in matters of State. When it was said in this advertisement, that in consequence of the bill having passed, the intentions of the advertisers to withhold their rates was postponed what was that but to say, "We hold the rod over you, but we shall not whip you on this occasion." If every assembly was allowed to beard the House of Commons in such a manner it must interfere with the fair and proper investigation of any public question that might be brought under its notice. He considered the precedent thus set extremely dangerous, and he should, therefore, move the adoption of a resolution, declaring—"That the course adopted by a certain portion of the parish of St. James, Westminster, in holding out a threat of withholding the payment of rates and taxes, is a daring violation of the privileges of Parliament, and a most improper attempt to intimidate its Members in the proper discharge of their duty—mischievous as an example, and pernicious in its effects."

Mr. J. E. Gordon seconded the Motion.

Mr. Hume was surprised, that this subject had been brought before the attention of the House by an hon. Member who had told them that he despised parish politics. He differed entirely from the hon. Member as to the degree of importance he attached to parish proceedings. Did the hon. Member think that the proceedings of parishes containing 120,000 or 150,000 persons were to be regarded with contempt? This appeared to him to be riding the high horse with a vengeance. Parish Vestries had a public duty to perform;

they had to attend to the interests of the parishioners in general, and if they were not to meet and express their opinions upon all subjects connected with parochial rates, of what possible use could such institutions be? The inhabitants of parishes oppressed by the Select Vestry System had as much right to complain of that system, by which self-elected persons taxed them, as the people of England generally had to complain of the corrupt constitution of that House, by which pretended Representatives of the people increased their public burthens. He looked upon the interference of any Member of that House, on the present question, as most unwise; and it appeared to him, that the hon. Member must have been at a loss for something to bring before the House when he turned his attention to this advertisement. But why did the hon. Member propose to censure the inhabitants of St. James's? They had done nothing; they had, in fact, postponed the meeting which had been called for the purpose of considering the propriety of withholding the payment of rates. He could inform the hon. Gentleman, that he might have fixed upon a parish where the inhabitants had actually come to the determination of withholding the rates, if he wished to bring the matter to an issue. At a meeting of his fellow-parishioners of Marylebone (of which he was the Chairman) a resolution was come to, not to pay the taxes imposed by the Select Vestry, but to allow their goods to be distrained. He considered that his fellow-parishioners had acted legally, and their conduct had produced a most beneficial effect, for a disposition was already shown on the part of the Select Vestry to accommodate matters. He should give the Motion his decided negative.

Mr. John Campbell thought the subject introduced by the hon. Member (Mr. Trevor) was not fit for the notice of the House. He could not, however, allow the assertion made by the hon. member for Middlesex, that parishioners were justified in law in refusing parochial rates because they were imposed by a Select Vestry. He was as much opposed as any one to the Select Vestry System; but while Select Vestries existed, they existed by the law of the land, and the rates imposed by them ought to be paid. The hon. member for Middlesex said, that he was Chairman of a meeting at which a resolution was passed,

expressive of a determination to withhold the parochial rates. He supposed that the hon. Member did not concur in that resolution. [Mr. Hume: "I did."] For it did appear to him (Mr. Campbell) that an extremely bad example was held out, when a number of persons entered into a combination to place themselves above the law. Perhaps the hon. member for Middlesex, and the other persons who attended the Marylebone meeting, compared themselves to Hampden who would not pay ship-money. But Hampden opposed the payment of ship-money, because of the illegality of its imposition: whereas, until the law of the land put down the Select Vestries, the rates imposed by them were legal.

Mr. Hume said, that the parishioners of Marylebone had no intention of violating the law. The law directed, that in case of nonpayment of rates the goods of the party refusing were to be distrained. The inhabitants of Marylebone would refuse to pay the rates imposed by the Select Vestry, but they would submit to the alternative provided by the law, and allow their goods to be taken away. He thought that their resolution could not be considered in the light of a violation of the law.

Mr. James E. Gordon said, the course defended by the hon. member for Middlesex was a bad example to all the people. The precedent was most dangerous, and there was a natural and easy transition from the refusal to pay parish taxes to the refusal to pay parliamentary taxes: it was an easy transition from the course pursued by the hon. member for Middlesex to that recommended by the Political Union.

Sir John Hobhouse was sorry that the time of the House had been so long occupied in the discussion of such a trifling question as the one before it. The inhabitants of St. James's would, no doubt, feel themselves excessively flattered by the notice which their proceedings had attracted from the hon. Member; but he could not help thinking, that the hon. Gentleman had unnecessarily thrown away a great deal of indignation. All the bad example of which the hon. Gentleman had complained originated in an error of the press, the words "not to uphold the payment," being printed, instead of "not to withhold the payment." Indeed, so far from the parishioners of St. James's having recommended the non-payment of taxes, they met to advise the payment of them.

Mr. Trevor had directed his observations to the general tendency of the advertisement, and not to one word of it, which, of course, he must have seen was a misprint. The part of the advertisement he objected to, was that which said that 'as the success of the measure was no longer doubtful,' the parishioners were recommended not to withhold the payment of the rates, as if they would have been justified in doing so had the measure not been likely to be successful.

Sir John Hobhouse said, that if the advertisement went to recommend the people not to refuse the payment of taxes, he hardly knew what the hon. Member had to complain of. The meeting was, in fact, convened for that purpose; and there presided at it a gentleman named Maule, of high professional character and ability, who had taken that means in order to divert the parishioners from adopting the other course, of which he had heard rumours. That gentleman had a great deal to lose, instead of to gain, by the adoption of any unconstitutional measures. He must beg further to state to the House, that Mr. Maule had written a letter to his fellow parishioners, containing an opinion opposed to the proposition for refusing the payment of rates, a proposition which the writer described as silly and dangerous.

Mr. James E. Gordon was glad to hear the explanation, for he had seconded the Motion from supposing that it rested on the ground that certain persons had entered into a combination to refuse the parochial rates.

Mr. Cutlar Fergusson said, that if a resolution was passed at any meeting recommending the non-payment of taxes, there was no lawyer who would not pronounce that resolution illegal. Though there was nothing unlawful in a man refusing to pay taxes because he had not the wherewithal, yet it was a very different matter when persons, situated as the hon. member for Middlesex, who had a house in Bryanstone-square, and was well able to pay the taxes, entered into an agreement to withhold payment. He had no hesitation in saying, that the refusal to pay taxes to the state was a high misdemeanour; it was a most dangerous proceeding, totally subversive of the law, and if persevered in, might be the means of the entire dissolution of society. He understood that a meeting in the country had come to the resolution of refusing to pay

the taxes, in the event of a new Administration being formed. He considered that the noble Lord (the Chancellor of the Exchequer) had addressed that meeting in a proper manner, by pointing out to them the impropriety of the course they had adopted. It was absolutely necessary, for the preservation of the institutions of the country, that the payment of taxes should be enforced. He thought the case brought before the House called for no interference on the part of Parliament: the law was quite sufficient to put a stop to those proceedings of which the hon. Member (Mr. Trevor) complained.

Mr. George Robinson was surprised that the House should have their time occupied by such a subject. The meeting referred to in the advertisement did nothing, and yet the hon. Member now called on the House for a Resolution as to the object of a meeting, after that meeting had been indefinitely postponed, and he asked the House to declare that that which might have been proposed, had the meeting not been postponed, was calculated to intimidate Members of that House from doing their duty. He, therefore, hoped the hon. Member who had brought the matter forward, would see the necessity of withdrawing his Motion forthwith.

Mr. Hunt said, that this refusal to pay taxes had been recommended by a portion of the public Press, and sanctioned by the hon. member for Middlesex. He had no doubt of its illegality. A man might refuse to pay the taxes, and allow his goods to be distrained; but that was not the question. The question was, whether it was lawful for 150,000 persons to conspire together to refuse the payment of taxes. But the matter did not stop there. Threats had been employed to prevent auctioneers from selling distrained goods; and an auctioneer in Bath had been obliged, in consequence of intimidation, to issue a handbill, in which he gave public notice, that he would not receive for sale any goods distrained for the non-payment of King's Taxes. He would now show the House what sort of creature a Whig was; for this refusal to pay taxes was a Whig measure. It was the measure of the friends of the Bill; the Radicals had nothing to do with it. He had had a letter put into his hands, to which a forged signature of his name had been affixed. The letter was addressed to his printer, and was drawn up in these terms:

"Please to print 1,000 double-crown broadsides as follows, and get them struck off as soon as possible."

"HENRY HUNT."

"Englishmen, rouse yourselves! Pay no rates nor taxes, until you get the Reform Bill."

This forging of his name by the Whigs, in order to recommend to the people the non-payment of taxes, was, he considered, carrying the joke too far. He thought that the hon. member for Kirkcudbright had given Ministers as severe a drubbing as ever they had in their lives. The hon. Member had declared that the Birmingham meeting had been guilty of a high misdemeanour; and yet, two noble Lords opposite, Ministers of the Crown, had corresponded with that meeting, without expressing disapprobation at their conduct.

Mr. *Cutlar Fergusson* disclaimed having thrown any imputation on the two noble Lords to whom the hon. member for Preston had alluded; on the contrary, he had applauded them for having expressed their disapprobation of the doctrine adopted by the Birmingham meeting.

Mr. *Hunt* did not recollect that the noble Lords had expressed any disapprobation of that doctrine in the letters which they sent to Birmingham.

Lord *Valletort* said, that the letters of the noble Lords opposite, being addressed to the chairman of a meeting which had adopted an illegal resolution, so far from discountenancing had rather sanctioned that doctrine. He certainly could not participate in the declarations which had been made from that (the Opposition) side, that Ministers were not sincere in their desire to put down disorder. His belief was, that the right hon. Gentlemen would, if they could, put down riotous proceedings; but their language and acts excited that feeling which created riots. There was, however, one excuse for their conduct. They had been so long in opposition, that the abuse of the institutions of the country had become almost habitual to them. The abuse of those institutions, however, proceeding from them when in opposition, was trivial, but it assumed a more serious complexion when it came, particularly at such a moment as the present, from the confidential advisers of the Crown. He implored the right hon. Gentlemen opposite to recollect, that a single incautious word falling from men in their situations might be productive of consequences the most pernicious to the State.

He would advise them to disconnect themselves from those who, he believed, were against all government, and to try honestly to allay excitement. He could assure them, on his honour, that if they brought forward a measure of Reform which he did not think destructive of the Constitution, he would be most anxious to vote for it. He had, on former occasions, expressed a strong opinion against the right hon. Gentlemen: he retracted not one word; but, at this moment, they must not look back; they ought to look at circumstances as they stood, and to the future. If he really believed that the line of conduct pursued by the right hon. Gentlemen was calculated to alleviate evils which at present existed, he would cross the House and support them, if he did so alone. He implored them to look seriously to the state of things, to weigh their words carefully, and to remember, that though it was their duty to improve the institutions of the country, it was also their sacred duty, as Ministers of the Crown, to defend them as long as they existed. It was a dereliction of their duty to hold up the institutions of the country to disrespect, and he exceedingly regretted that the noble Lord opposite had thought proper to call the majority of the House of Lords "the whisper of a faction." They had heard a great deal of that majority; they had been told that the decision in the House of Lords had been come to by interested persons, and by the bench of Bishops, who were not fit to form any opinion on the subject. Now he believed it would be found, that if all the Peers who were proprietors of boroughs, and all the Bishops, were excluded from the calculation, a majority of the House of Lords was against the Bill. It was a great deal too hard, therefore, to have it stated that the Bill was thrown out of the House of Lords by those who had a personal interest in getting it rejected. He believed that those noble Lords who possessed property in boroughs were not guided in their decision by improper motives. It was a libel on the English peerage to say, that they had not manliness to resist such influence. He did implore Ministers to consider whether it would not be better to bring forward a measure of Reform less efficient than the last one, than to run the risk of the consequence which would probably follow the second rejection of the Bill by the Lords. Questions of this kind

ought always to be regarded as a balance of evils; and if, by diminishing the violent character of the measure, they could conciliate the party opposed to them, he thought they would only be performing their duty in doing so.

Mr. O'Connell said, it was as unfounded a charge as ever was made, to assert that it was the intention of the Ministers to induce the people to refuse to pay taxes. It was not the act of the Reformers—it was the act of the Anti-reformers. It was their vexatious opposition to the Bill—their opposition to the spirit of the people, by delay, by frivolous pretexts, by motions made every hour, every day, and every month, for the purposes of delay. Did they think that the people would bear this for ever? They had endured the delay most patiently, from the certainty, as they hoped, that the measure would be successful after some delay, and now that hope was at an end, by the foolish and absurd rejection of this popular measure. These were the causes of the popular excitement. Hon. Members talked of the institutions of the country. Were the rotten boroughs the institutions of the country? Were the nominations of Peers to places in that House the institutions of the country? The people in general looked upon these things as a corruption that must be remedied, and yet it was on behalf of such abominations that hon. Gentlemen called on the Government to suspend the measure; that what the people endured so long, they might endure yet longer? He, on the contrary, called upon the Ministers steadily to pursue their course, and to cut away the gangrene that preyed on the vitals of the State with a firm hand. He trusted, that the people would soon obtain what they deserved—a full Representation in that House. The English nation had often been compared to the lion; and if hon. Members thought that Englishmen were totally regardless of the manner in which their most earnest wishes were rejected, they would find themselves mistaken—they would find the truth of that expression which they had heard so often: "*ira Leonum vincula recusantium.*" He warned them not to put matters to such an extremity. He earnestly hoped, that the people would be peaceable; their opponents must be beaten by that mode of conduct; the people must and could carry the measure, without violating the law:

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the people of Ireland had, in that manner, beaten their oppressors, without a single assault, without breaking a pane of glass; and in spite of the interested opposition and strong party spirit, that would have forced them into such measures they kept the peace, if they did not keep their tempers. The people of England were perfectly competent to follow that example. He hoped they would not violate the law. He was not surprised that they had shown some degree of warmth at their disappointment. What had been the nature of the discussions on the Bill? Why, every part of the Bill but that which was at the moment before the House had been the subject of remark and protracted debate. Three months had been spent in that manner. The opposite party had had their triumph of delay, but it was only a triumph of delay, for the King's Government could bring in the Bill again, and the Anti-reformers would not have the power to reject it. They had indulged their self-flattery—they had said, that the people did not care for the Bill, and that the Bill was destructive to the Constitution; and they had repeated these things *usque ad nauseam*. They talked now of this recommendation not to pay taxes amounting to treason. He would tell them that, if this measure was carried, any man might be left to talk high treason as he pleased, for the people of England would totally disregard it: but, until it was carried, it would be in vain to attempt to strangle their cries of indignation. The people ought to keep within legal bounds. The success of the great measure depended on the people—on their keeping their acts and expressions within the channels of the law, and on their not having recourse to any violence whatever. Feeling this, and seeing how utterly improper was the introduction of this debate at this moment, he hoped the Ministers would not condescend to give any further answer respecting the letter than that which they had given last night. Who was to dispute whether it was the whisper of a faction that had rejected the Bill? If the people were for the Bill, the whisper of a faction must be on the other side—there could not be a faction on both sides—the faction must be on one or the other; and if it was disputed that the people were in favour of the Bill, his answer was, that that question would be very shortly settled.

2 A



Sir Charles Wetherell said, he happened to be absent from the House when his name was called, and he wished then to know, whether he might not bring his motion by way of amendment, or in some other manner, at the present moment. It should be observed, that his notice stood on the paper before that of the hon. Gentleman whose motion was now before the House.

The *Speaker* said, the regular mode was, to bring forward the different notices in succession, until all were disposed of; and unless that practice were adhered to, the paper, it must be obvious, would be of no use at all. The hon. and learned Gentleman had asked whether he could not introduce his motion, or a discussion relative to that motion, on the consideration of the question before the House. That must depend on the fact whether the hon. and learned Gentleman's observations had reference to the motion now before the House, because, if a different course were taken, it would defeat the right of precedence, which belonged to the hon. member for Durham.

Sir Charles Wetherell rather thought that he had an opportunity of bringing before the House the subject matter to which his motion referred, without trespassing on the rule which the *Speaker* had laid down. As he was *strictissimus juris*, he felt anxious not to interfere with any rule by which the right of another might be affected. He would therefore proceed, notwithstanding the sardonic smiles and satirical gestures of Gentlemen on the other side of the House, to declare his opinion with reference to the subject to which his notice of motion referred. The hon. and learned Gentleman (Mr. O'Connell) had allowed sentiments to fall from him which could not be heard but with feelings of indignation: and—

Mr. George Robinson rose to order. He wished to know whether the hon. and learned Gentleman was not bound, before he entered into a discussion, to show in what mode he meant to bring forward his motion, so as not to infringe on the rule laid down by the *Speaker*.

The *Speaker* said, the hon. and learned Gentleman was bound, after what he had stated, to introduce his observations in a manner consistent with the orders of the House; but he was not bound to state to the hon. Gentleman how he meant to effect that object.

Mr. George Robinson: Then, I say that, in point of order, the hon. and learned Gentleman is not applying himself to the subject before the House.

Sir Charles Wetherell continued. He had heard of a man coming forward with a hand and a glove—but, in the attack of the hon. Member, he could see neither hand nor glove. That was very strange, as the hon. Member represented Worcester, the great manufactory of gloves. But to return to what had been said by the hon. and learned member for Kerry. He would ask the hon. and learned Member, whether the British lion he had alluded to was the infuriated rabble who had attempted to drag from his carriage, and had in fact seriously ill-treated, a noble and gallant Peer? He would appeal to English Members on this point. He would ask them whether such a proceeding as this indicated the presence of the British lion? The hon. and learned Member was the only Irish Member who seemed to contemplate a ferocious attack on an Irish nobleman as a proof of the prowess of the British lion. He supposed that the hon. and learned Member considered that the British lion was merely shaking the dew from his mane, when a highly-excited mob treated a nobleman in this ignominious manner. Every one except the hon. and learned Member, deprecated and deplored the circumstance to which he had alluded. So far as he had observed, it certainly was not characteristic of an Irishman to be a coward, it certainly was no part of the general conduct of an Irishman to attack an individual who could not defend himself; it certainly was no part of an Irishman's well known gallantry, when a noble Lord was attacked, to mix himself up with the cowards and dastards who perpetrated that attack, and then to speak of the magnanimity of the British lion. He conceived that many of those who placed themselves on that (the Opposition) side of the House—and the hon. and learned member for Kerry amongst the number—might, with great propriety, place themselves on the Ministerial benches. The corporeal frames of these hon. Members which he and his hon. friends did not want, were placed near them, while their metaphysical part, their mental part, transported itself to the other side of the Table. He wished that these Gentlemen would take refuge among the Radicals and Liberals, instead of giving interruption to those who sat on the Op-

position side of the House. Not only did those Gentlemen proceed in the most inconvenient manner, but certainly they did not act according to the usages of Parliament, as practised in the better, and he would add, the gentlemanly times of the House of Commons. In his earlier days, neither the hon. member for Kerry, nor the hon. member for Worcester, would have taken their places where they now sat. In the present day he knew not whether liberality might not have made very great advances, but with respect to gentility, he was confident that they had retrograded considerably. He now came to that part of his address in which he would prove that his notice of motion was intimately connected with the proposition then before the House. There were now abroad two subjects—subjects of great public excitement, which demanded and deserved particular attention. One of these was a reasonable conspiracy to prevent the payment of taxes—a treasonable conspiracy, as repeated, with the abettors of which two Members of his Majesty's Government had thought fit to correspond. He would not here introduce the subject of yesterday's discussion, but merely allude to the foundation of it. Another subject, connected with public excitement, must also attract their attention—namely, that of an attack on the persons and property of all those Members of the House of Peers who constituted the majority against the Reform Bill. Of that system of attack they had already heard, and his motion would go to a specific point connected with that system—he meant the attack on the property of the Duke of Newcastle. The hon. member for Middlesex had advocated, and strongly too, the principle that a resolution might legally be agreed to, having for its object the refusal to pay taxes. He would, however, take the liberty of saying, that such a resolution, proposed in any place, would be illegal; and if connected with a general purpose (and he stated below in the presence of the mute Attorney General) would become a most serious offence. The passing such a resolution at all was a misdemeanour; and if matured, so as to have a general purpose in view, it became high treason. These were the two propositions which he called on the mute Attorney General of the Cabinet to get up and answer. It seemed that there had been at Birmingham a meeting of 150,000 persons, and one of the resolutions to which

they came was to support the non-payment of taxes. ["No, no," from Lord Althorp.] The noble Lord cried "No, no." Now he said that the statement was in the newspaper, and the noble Lord's letter was also in the newspapers. The resolutions were printed, and the letters of the noble Lord and his noble colleague were printed. This being the case, it was for the House to decide on what the effect of those resolutions, and of those letters, was likely to be. Ministers might say that, if it were deemed fitting, they, or their legal advisers, would take proper notice of the outrages which had been committed; but as yet he had not heard that they had taken any steps in the matter. They were all acquainted with the destruction of the house (not the family seat) of the Duke of Newcastle. Formerly it was the family seat of that noble man, but it had long ceased to be so. To what were they to attribute the burning of that property? It could be traced to no other cause but that the Duke of Newcastle was an opponent of the Reform Bill. The hon. member for Middlesex treated this conflagration as a mere trifle. That hon. Member was an economical man. He was quite happy when items of 2½d. or 1½d. were the subject of his consideration. On a late occasion, he advised the first Lord of the Admiralty to feed our seamen on bad biscuit and sour pork, because 1½d. might be saved per lb. but now he carried his economy much further. He said that the Duke of Newcastle's mansion, which had been burned down, was not worth much—it was only a lodging-house; thus carrying economy even to the crime of arson—thus adapting economy even to the offence of destroying property by fire. The hon. Member would, no doubt, contend that a considerable saving had been effected because Clumber-hall, the country residence of the Duke of Newcastle had not been consumed. Now, what he wished was, that a Special Commission should be issued to try the offenders. He knew not whether the hon. and learned member for Nottingham had had all the facts detailed to him, but he understood that the demolition of the house belonging to the Duke of Newcastle took place under circumstances which left no doubt that these practices were directed against him personally, and against his property, on account of his conduct with respect to the Reform Bill. [The Attorney General: Not personally.] Those practices could not, of course, be

as Englishmen, and as moral men, ought to declare that the property of even political foes was worthy of protection. If they did not, their honesty, their high character would be levelled with the dust [*hear, hear.*] By the cheers, the posthumous cheers which he now heard, he felt that he should carry his Motion. The grounds and principles on which it stood were so clear and plain that he was certain it must succeed. He would therefore conclude by proposing as an Amendment to the present Motion—“That an Address be presented to his Majesty, praying that a special commission may be issued, with all convenient despatch, to try the offenders concerned in the recent burning and destruction of Nottingham Castle, and in other outrages and acts of violence recently committed in the county of Nottingham.”

Mr. Fane seconded the Amendment.

Mr. O'Connell hoped it would not be considered presumptuous if he offered a few words after what had been said by the hon. and learned Gentleman. That hon. and learned Gentleman had taken upon himself, not only to misrepresent, but to lecture him upon three points—First, for sitting on the Opposition side of the House, when it was honoured with the hon. and learned Gentleman's own presence. Not very long since, the hon. and learned Gentleman had called the Opposition side of the House a mountain, and the hon. and learned Gentleman ought to recollect that he had taken his seat upon it long before the hon. and learned Gentleman had visited it. Mahomet had therefore come to the mountain, and not the mountain to Mahomet. Mahomet, too, had exhibited himself on this occasion in one of the most grotesque of his would-be inspired paroxysms. The second charge against him (Mr. O'Connell) was, a want of gentility. Of all men, the charge of being ungenteel came most strangely from the hon. and learned Gentleman. In what school of politeness had he taken his degree? Where was the dancing-master for grown gentlemen, by whose instructions he had so much profited? Who was the hon. and learned Gentleman's *arbiter elegantiarum*? When the hon. and learned Member talked of gentility, he wished to remind him, that as Dr. Johnson had said that “the Devil was the first Whig,” so Shakspeare had told us that the Devil was the first gentleman—

“The Prince of Darkness is a gentleman,  
*Wetherall* his name, and *Botherall.*”

If he remained near the hon. and learned Gentleman, he might catch something from him. He did not mean his gentry, but his gentility; he was in hopes that he should obtain some little infusion of that accomplished and courteous manner for which the hon. and learned Gentleman was so remarkable. The hon. and learned Gentleman had also accused him of having approved of the base, dastardly, and cowardly attack made yesterday upon an Irish nobleman. Never was any accusation more unfounded since the days of gentility were first invented, and nothing so contrary to what he had really said. Had he stood the supporter of every abuse, and the determined opponent of every improvement—had he resisted every attempt to facilitate the administration of justice—had he continually laboured to shut out the enlightenment of modern knowledge from the obscurities of ancient law—had he occupied the time of the House with a sort of *rollicking* rhodomontade night after night—had it been his constant habit to make people laugh at him, when he possessed not the wit to make them laugh with him—he might have deservedly been the object of the illiberal attack which had just been made upon him. In the speech which had just now been addressed to the House, his Majesty's Government were accused of wilfully permitting the disgraceful outrages which had recently taken place. For his part, although he thought that the gallant nobleman who had been assailed was mistaken in his political opinions, no man could desire more than he did to see the persons brought to justice who had made that atrocious attack. But the original Motion before the House referred to certain Resolutions of the inhabitants of St. James's; and from that subject they had been turned off to the outrages at Nottingham. Did either of the Gentlemen, the hon. Mover or the hon. and learned Gentleman below him, or did any man, imagine that his Majesty's Government would hesitate to inquire respecting every such riot or illegal proceeding? What grounds were there for supposing that they would neglect their duty? Was it known that any of the rioters at Nottingham had been taken up? If not, what a situation would the Judges be placed in when they arrived at that place, to discover there were no prisoners to try. So far they might take a useful hint from Mrs. Glass, when she said, “First catch your

carp." Surely it became the duty of the hon. Gentleman to ascertain whether there was any work for the King's Judges before he despatched them, on what might turn out to be a bootless errand. As for the attack which had been made upon him by the hon. and learned Member, he would say no more than that it was wholly unfounded. He might add, that every part of the hon. and learned Gentleman's speech was utterly destitute of merit, although he must not say that it was equally destitute of truth.

Lord Althorp said, that the attack of the hon. and learned Gentleman, last night and on the present occasion, was most unfair, and the insinuations in which he had indulged were wholly uncalled for. He had accused his Majesty's Government of acting partially towards the supporters and opposers of the Reform Bill.

Sir Charles Wetherell said, his words were "he hoped they had not so acted."

Lord Althorp: Then the hon. and learned Gentleman had only insinuated the charge, that because the Duke of Newcastle had opposed the Reform Bill, therefore the Duke of Newcastle's property was not so well protected as that of any other individual. That was the insinuation of the hon. and learned Member; and he should not have thought it would have been concurred in by any other Member in the House, had it not been cheered by a solitary Member on the other side. He begged to state, though it was scarcely necessary for him to state, that his Majesty's present Government were as fully determined as any Government to maintain the laws and the peace of the country. It was hardly necessary for him to defend the Government from such a charge as that of the hon. and learned Gentleman; it was hardly necessary for him to say, that they would make no distinctions, or interfere in any manner with the regular course of justice. The hon. and learned Gentleman had accused the Ministers of conniving at the disturbances in the country. Did the hon. and learned Gentleman feel anything in his own breast which could induce him to conceive it possible that any man of honour and character, not only worthy of a seat in that House, but fit for the society of gentlemen any where, could, for the sake of some private purpose of his own, connive at bloodshed, riot, and arson? It was really quite impossible to answer accusations of that kind. On one point he

could not be deceived. The hon. and learned Gentleman had said, that his noble friend and himself were legally participators in treasonable misdemeanors.

Sir Charles Wetherell:—I say so again.

Lord Althorp:—Then if the hon. and learned Gentleman thought they were legally participants in treason, it was his duty to bring articles of impeachment against them. The hon. and learned Gentleman had said, that they had never meant to give equal protection to the Duke of Newcastle, till the property of some reforming Peer was burnt. [Sir Charles Wetherell:—No, no.] The conduct of the hon. and learned Gentleman was so strange, that he really did not know how to apply himself to it: it took away any feeling of anger he might otherwise entertain. The hon. and learned Gentleman had said, that he would not persevere in his Motion, provided an assurance was given that a special commission should issue. He could give the hon. and learned Gentleman no such assurance: it rested with his Majesty's Ministers to decide that point; but he could give him this assurance, that the property of every individual in the country should be protected as far as Government could protect it. The hon. and learned Gentleman and the House might take the former conduct of the Ministers as a pledge of their present intentions. The hon. and learned Gentleman, in referring last year to the special commissions, had said that they should have been issued sooner; but they had been issued and put into motion as soon as possible, and as quickly as the machinery could be prepared. The hon. and learned Gentleman had referred to a speech of his noble friend the member for Northampton. He had not seen that speech; but he could say, that his noble friend had uttered in that House sentiments quite contrary to those imputed to him. A noble Lord, who was not now in his place, had expressed a hope that a Reform measure would be introduced, so modified that it might receive general concurrence, and restore the peace of the country. If there were any ground for expecting such a bill, so modified as to diminish its efficiency, so far from its promoting the peace of the country, he was persuaded it would, on the contrary, be more likely to endanger it. He (Lord Althorp) had only to repeat what he had stated the other night, that he never could be a party to a measure which he did not in his conscience

believe to be as efficient as the last. He would not detain the House any longer. However warmly he might have expressed himself, he felt no resentment towards any one.

Mr. *Gillon* said, that he was aware there was great excitement abroad, both on the subjects of Reform and Select Vestries, and he therefore felt no surprise that strong, and perhaps, violent language had been uttered. When, however, complaints had been made of the language of the Whig newspapers and publications, he would take the liberty of referring to a Tory magazine which had recently come under his notice, and which said, "that for principles less revolutionary than those of his Majesty's Ministers, and for conduct not so much calculated to disturb the peace, a large number of men, women, and children, had been trampled down by the horses of the Yeomanry, and many men sent into exile." This language was much less justifiable than any that had been remarked upon during the debate. To those Gentlemen who charged the Government with having excited the people on the subject of Reform he would say, that it was the system of misrule which those Gentlemen themselves supported that had led to the inevitable necessity of Reform.

The *Attorney-General* said, that what had fallen from his noble friend (the Chancellor of the Exchequer), must be quite satisfactory, and the House would feel, that in consequence of his (the *Attorney-General's*) necessary connection with any law proceedings, if such should arise in consequence of what had occurred, it would be better for him not to enter into speculative points of law, or into the discussion of questions in which he might possibly hereafter be mixed up. As to the law, he did not apprehend that any lawyer or commonly-educated man could doubt as to what the law was on the subject alluded to. When his noble friend expressed his determination to exercise all the powers of the law for the maintenance of peace and the protection of property, he did not see what more could be required. At the same time it must not be assumed that a special commission was to issue to try every outrage that might occur. It was the duty of Government not to issue such a commission unless very strong grounds were made out. But he could testify to the readiness with which the special commission was granted in November last, and

the determination shewn to repress outrage and violence. Immediately upon the new Administration being formed, his noble friend, the present Lord Chancellor, came to him in the Court of King's Bench, and said, "the first act of our Ministry will be to send you down to Winchester, to institute legal proceedings against the persons engaged in the riots, and to clear the gaol." But on the present occasion—in his character as member for Nottingham, and not as a Law Officer connected with the Government—he had the happiness of being able to say, that so far as he could learn, he believed the riots were for the present utterly extinguished. The force which had been sent down had proved sufficient for this purpose, and for the purpose of overawing the disorderly, and preventing, he hoped, a repetition of the outrages. The first ebullition certainly was very violent. Many of the cavalry were at the time at Derby, where also, unfortunately, some rioting took place, and lives were lost. Before a force could be collected, the Castle of Nottingham, he was sorry to say, was consumed by the miscreants. The Magistrates, however, were very active, the Yeomanry were called out, and the military were held in readiness, and, what was better than all this, all the respectable men of the town were sworn in as Special Constables, and were on the watch day and night. These measures had proved effectual, and the repetition of such outrages was a fact exceedingly improbable. He must say, on the other hand, that he feared not one of those concerned in burning the Castle had been yet taken into custody, and there would therefore be no gaol to deliver if a special commission were sent down. Some few persons, indeed, who were afterwards found wandering about, had been taken into custody, but there was nothing to prevent their being tried at the next Sessions. Let no one think that he was making light of a business of this nature. He deeply deplored the disappointment which had led in some instances to such criminal excesses; and he therefore entreated the House, in the words of a noble Lord, not to look back for the purpose of exasperating, or of unravelling unfortunate differences, but to look forward and consult upon the means by which the peace of the country might be preserved, and placed upon a solid basis.

Mr. *Goulburn* expressed his perfect con-

currence in the concluding sentiments of the hon. and learned Gentleman. The House, and the public in general, he was sure, would hear with great satisfaction, the renewed assurance of the Ministers, that they would use all the power with which they were intrusted by the Constitution to repress outrage and violence, and preserve the peace and tranquillity of the country. He begged further to be permitted to remark, that although he could not support his Majesty's present Government, still they should not find him contributing to create exasperation, or taking any other course than that which would support them under the difficulties and perils which at present beset the country, in every way that he could, consistently with his own principles. He was not sorry that this debate had arisen, because it had called forth a public announcement of a determination which some had doubted, but of which he entertained no doubt—a determination on the part of his Majesty's Government to do impartial justice, and preserve the peace of the country.

Mr. James E. Gordon said, that he felt convinced that every person possessed of property or having the interest of his country at heart, must lament the alarming occurrences which had recently prevailed in various places. Under the circumstances of excitement, that existed, however, he thought the disturbances might be considered extremely partial and of small amount, when the means were considered by which the minds of the community had been so greatly exasperated. He rejoiced to hear the assurance that his Majesty's Government would enforce the powers of the law to protect the public. At the same time he must express his disapproval of many of the remarks which had been made by various Members, and he must also take the opportunity of saying, that he had never heard a more revolting attack than that which had been made by the hon. and learned Member behind him (Mr. O'Connell), upon the hon. and learned Gentleman near him (Sir Charles Wetherell).

Mr. Hume protested against the language used by the hon. Member. His hon. friend had only answered an attack which had been made upon him by the hon. and learned member for Boroughbridge, and therefore it was very unfair to charge him with having made a revolting attack. He considered the spirited and

proper manner with which his hon. and learned friend repelled the attack, and retorted upon the aggressor, did him great credit, and he must further be permitted to say, that if any hon. Member in that House used strong and unmeasured language, he must expect to be replied to in the same manner.

Mr. Henry Grattan said, that although he was not connected with the Government, and, so far as Ireland was concerned, did not approve of its measures, yet he could not sit and listen to such unfounded, illiberal, unwarranted, ungenerous, and unjust attacks, as were made upon Ministers by the hon. and learned Gentleman, who had gone so far as to assert that there was a treasonable conspiracy not to pay taxes, which his Majesty's Government encouraged. He was convinced that the hon. and learned Gentleman did not believe what he said himself [*order, order*]. He was not disorderly, and would not sit down. He repeated that he did not believe what the hon. and learned Member had said was his sincere opinion, because, if he had been serious in it, he ought to have impeached Ministers who had the folly and the audacity to abandon their duty to their King and to their country, and that duty which was imposed on every well-regulated man, whether he was a Minister or not. But the hon. and learned Gentleman had not confined his attacks to his Majesty's Government. The hon. and learned Gentleman had taken occasion to say that Irishmen were not cowards. He would tell the hon. and learned Gentleman what was his idea of spirit. He thought, that to apply offensive terms in quarters where they could not receive the answer they ought, was not the part of a man of spirit. If the hon. and learned Gentleman chose to use such language, let him apply it in some other quarter, and see—

The *Speaker* rose, and said, that the language which had been used was as improper as any one Member could apply to another. He put it—not to the House—but to the hon. Member himself, on reflection, whether he had ever heard the hon. and learned Member to whom he alluded use such language without being called to order for it?

Mr. Henry Grattan said, he was wholly misunderstood; he had put the case hypothetically.

The *Speaker* said, the hon. Member

must be aware that putting a hypothetical case was not the way to evade what would be in itself disorderly.

Mr. *H. Grattan* said, he meant nothing disorderly or disrespectful to the House; but when the hon. and learned Gentleman talked a great deal of Irishmen, and then turned his back to the Chair, and looked at the Irish Members, he felt justified in assuring the hon. and learned Gentleman, that there was nothing that he could insinuate against the Irish Members, either for their support of the Government, or on any other ground, which they would not repel in a proper manner. The charges which he had brought against his Majesty's Ministers were wholly, absolutely, and completely unfounded.

Lord *Brudenell* said, that in his opinion, his hon. and learned friend (Sir C. Wetherell) had been most unfairly dealt with, and had been attacked in the most unmerited manner. Nothing that his hon. and learned friend had said would bear the construction endeavoured to be fastened upon it. His hon. and learned friend said, that his Majesty's Government were not using the means which would tend to preserve the peace of the country. The course which they were taking was playing too much into the hands of the populace, and would lead to violence and breach of the law, instead of suppressing disturbances. As a proof of this he would put it to any hon. Member who heard him, if he thought efficient measures had been yesterday resorted to to preserve the tranquillity of the metropolis. As to the charge which had been made against his hon. and learned friend, of using offensive language, because he knew it could receive no reply, he did not believe there was an hon. Member in the House capable of such conduct. If another hon. and learned Member was—he would not say exempt—but if he exempted himself from all responsibility, he certainly ought to be cautious and more guarded in his own expressions.

Sir *John Hobhouse* begged to suggest to the noble Lord, that the continuance of these discussions would do no good, and that it would be better to avoid saying the harshest thing that could be said of a man in his absence.

Lord *Brudenell* said, he would appeal to the House whether it was not incumbent upon any man who exempted himself from responsibility, to be cautious himself

in the terms which he employed. The hon. and learned Gentleman who was alluded to, had first attacked a noble friend of his, and then he attacked the hon. and learned Gentleman near him, and he conceived the latter hon. and learned Gentleman was justified in replying to him.

Mr. *Hunt* said, he could not concur in the present Motion until the real state of the case was completely known. It appeared, however, that there had been riots at Nottingham, and that the populace, after having destroyed a nobleman's mansion, had returned to the attack the next day, as it seemed, to consummate their own infamy. The hon. and learned Gentleman had further assumed that some of the persons who had been guilty of these gross outrages were in custody, but it appeared from the speech of the hon. and learned Gentleman (the Attorney-General) that he had been misinformed, for none of the ringleaders were as yet taken. When he understood, and heard it asserted, that the respectable inhabitant householders had been sworn in, and were very active in the performance of the duties of Special Constables, he must express his astonishment that the incendiaries were not taken up; but the Yeomanry Cavalry had taken up some persons who had nothing to do with the offence. He did not mean to say that his Majesty's Government encouraged these acts of outrage when they were committed; but he thought there had been a sort of encouragement going on for a long time, and the Government had suffered the newspapers, which were their organs, to excite the multitude to violence. It was not, therefore, enough for him now to hear his Majesty's Ministers say they were sorry for the outrages which had been committed, and that they would do all they could to put an end to them. They ought to have taken means to put an end to the excitement which had been created.

The Attorney-General said, in explanation, that the force employed at Nottingham did not reach the spot in time to prevent the conflagration, or arrest the authors of it, but their exertions were the means of preventing further outrages.

Sir *Charles Wetherell* felt called upon to reply to some remarks that had been made in the course of the debate.

Sir *John Newport* rose to order. He begged to submit to the Chair, whether an hon. Gentleman was entitled to reply on merely proposing an amendment.

The *Speaker* said, that the hon. and learned Gentleman had certainly no right to speak if the House objected to it. But it was for the House to say how far it would hear the hon. and learned Gentleman, after the discussion which had taken place. The hon. and learned Gentleman must be aware that he depended upon the sufferance of the House.

Sir Charles Wetherell: "I won't say a word upon sufferance."

The Amendment was then put and negatived. On the Original Question being put,

Lord Althorp said, as he understood it was allowed that the part of the advertisement complained of, arose, in part, out of clerical error, he should beg leave to move the Previous Question.

Mr. Herries observed, that after the discussion that had taken place, he should recommend his hon. friend to withdraw his Motion.

Motion withdrawn.

**BANKRUPTCY COURT BILL—COMMITTEE—THIRD DAY.]** On the Motion of the Attorney-General, the Order of the Day for resuming the Debate on the Amendment for referring the Bankruptcy Court Bill to a Select Committee was read.

Mr. George Bankes wished to ask the Attorney-General, whether this Bill was to be followed by another, and whether that Supplementary Bill was to contain a provision, giving the Lord Chancellor an additional retiring pension of 2,000*l*.

The Attorney-General said, he was not aware whether there was to be a Supplementary Bill or not; but it would not include the provision referred to.

Mr. Pemberton wished that a greater latitude of time should be allowed for the discussion of this most important question, than it appeared the noble and learned Lord, who was the author of the measure, appeared inclined to allow them. He wished to speak of that noble and learned Lord with the respect he felt for him and for his extraordinary talents; but he would not permit himself to be restrained by any influence to be exercised elsewhere, in his Court, or out of it, from expressing himself with freedom, yet with a proper tone and temper. With respect to this Bill, those who pointed at the defects of the bankruptcy system had done only half their duty; they were also bound to show that the Bill provided a remedy,

and the most suitable remedy. Certain inconveniences, which were inseparable from all Courts, had been treated as if they were peculiarly incidental to the present system of bankruptcy. Appeals were great inconveniences, but they did not exclusively belong to bankruptcy. Unless the *fiat* of an arbitrary Court was submitted to, the expense of the delay of appeals must be incurred; and in proportion as appeals were multiplied, the sources of expense and delay were also multiplied. But this must be the case, until mutability was removed from human affairs. He objected to the Court of Review as unnecessary, for he considered the duties which were attached to it ought to devolve on the Vice-Chancellor, with an appeal to the Lord Chancellor. The Judges of the Court of Review appeared to him to be a useless incumbrance—an impediment over which it was necessary to pass in order to get at the Lord Chancellor. With respect to the charge of the present Commissioners being, for the most part, young men just called to the Bar, he had only to say, that an understanding had existed that gentlemen should have been seven years in the profession before they were appointed Commissioners; and, if a Lord Chancellor were to appoint such persons as had not been seven years, he would neglect his duty. To fill up the appointments in the new Court, a selection might be made from the present Commissioners, and this might be done both advantageously as regarded the character of the Court, and also would be attended with a great saving to the public. The noble and learned Lord at the head of the Court had now got rid of the arrears of the Court, and he had stated his intention, so far as he had understood the noble Lord's oration, to take original motions, along with the Master of the Rolls, without the assistance of the Vice-Chancellor, so that the Vice-Chancellor, who had kept down the bankrupt cases hitherto, could take these cases in future, and it was, therefore, not possible to conceive what public benefit could arise from these four Judges; they were not an additional facility, but an additional impediment. He considered the whole scheme as only intended to get rid of the Vice-Chancellor, which he thought most impolitic. The official assignees were to be traders, or persons who had been traders. Now those who were traders would not be able to undertake the office, so that it



would devolve upon those who had been traders; in other words, it would fall into the hands of jobbers. The office would be sought as a refuge for the destitute; it would be an hospital for incurables—a provision for decayed merchants; it would be the Lord Chancellor's lumber-room, into which he would cast whatever he despised as worthless. He could not help characterizing this Bill as a most busy, meddling, mistaken piece of legislation. A jurisdiction more liable to abuse, more liable to scandalous jobbing, he never knew. The hon. and learned Solicitor-General had said, that the measure was a gain of the difference between 26,000*l.*, and 28,000*l.* But it really took away the patronage of four places, and in lieu of it placed in the hands of the Lord Chancellor the immediate, uncontrolled, and irresponsible patronage of 26,400*l.* If this expense was necessary, he (Mr. Pemberton) made no objection; but let them not be told of the Chancellor's making such a great sacrifice, when it put into the hands of the Great Seal a more enormous amount of patronage than was ever given to a subject of the realm. Though it might seem a strange argument for an Anti-reformer, he contended that the Reform of this Bill was too partial. The public had been promised by the noble and learned Lord, a revision of the law and of the Courts, and if that promise was fulfilled, there was no branch of the law in which the pruning-knife could be applied with so much benefit as the law of debtor and creditor. There was no lawyer who was not fully aware of the anomalies, irregularities, inconvenience, and injustice, produced by that branch of our jurisprudence. It frequently pressed upon the honest and innocent, and as frequently extended impunity to fraud, and indulgence to crime. It filled our gaols with beggars, and was in general as barbarous and absurd as any law that ever disgraced a civilized community. The most wealthy person in the land might be made a bankrupt by the inadvertence or carelessness of his servant, in giving a denial of his master to a tradesman who might happen to call at an inconvenient time. The law again made not the slightest distinction between the fraudulent bankrupt and the victim of misfortune—of those who had pursued a career of gross profligacy and extravagance, or those whom calamity had reduced to insolvency. By the law, as it was at present

administered, the only material thing for a bankrupt to consider was, his conduct before the Commissioners; if he dealt tolerably fair with them, all would go well with him. These were palpable defects which required remedy, and it was also necessary that the rights of creditors should be better secured and promoted, and that a more complete protection should be afforded to honest debtors reduced by misfortune. A Court was wanted, not alone for the benefit of traders, but for the management of the affairs of all persons who might happen to fall into a state of insolvency. By rectifying these anomalies, the noble and learned Lord would really do what the Solicitor-General thought he would accomplish by this Bill—erect a lasting monument to his fame. But this Bill was not the stuff of which monuments could be made; a Bill which left all the anomalies and irregularities of the law precisely where it found them, and enacted places and pensions, fees and salaries. Such a Bill as this ought not to have been the first legislative measure of the master-mind of the age, who had been lauded in terms scarcely applicable to a human being. His chief objection to the Bill was, that it was a bar, an impediment to the liberal improvement of the law. He could not believe that the noble and learned Lord would expose himself to the suspicion of being actuated by motives which he knew the noble Lord would disdain, or afford a pretence for saying that this Bill was not intended for the amendment of the law, but for the creation of office—a measure of doubtful utility, but of certain expense—and that he would permit it to be said that an attempt was made to force this mass of undigested legislation through the House, without an opportunity being afforded it of examining and remedying its defects; that the prorogation of Parliament was delayed, and the Lords and Commons of the land were to be kept together at great inconvenience, in order that the Lord Chancellor might have the disposal of two score places six months sooner than he otherwise would. He did not insinuate this as a charge against the noble and learned Lord; if he believed it to be true, he would have asserted it, but he did not believe it; yet it was extremely difficult to understand on what ground this measure was attempted to be forced through the House at this season, when all minds were engrossed and absorbed by

other topics. The hon. and learned Member concluded by expressing his regret if any expression had fallen from him which was intemperate towards the noble and learned Lord.

Mr. *Pepys* said, that the motives from which the Bill had been supposed to originate were those of saving labour to the Lord Chancellor, and increasing his patronage. But if the Court were useful, it was clear that it could not be established without patronage. No new Courts could; and yet they must be established, or there could be no improvement in the administration of justice. But if there was any one quality of the noble and learned Lord more remarkable than another, it was the readiness with which he undertook labour, and which was as eminent as the facility with which he got through it. Although the Bill might have the effect of relieving the Lord Chancellor from the pressure of bankruptcy business, it should be recollected that there was still an overwhelming mass of matter in the Court of Chancery, and that though one part might be relieved, much still remained. Another reason alleged for the Bill, but which his hon. and learned friend professed not to believe, was, that its object was patronage. Yet one would suppose that his hon. and learned friend meant this to be believed, for over and over again he had insinuated it, and the insinuation had been received with cheers. Those who cheered must have believed the charge, though his hon. and learned friend had given a conclusive reason that the object could not possibly be answered. The Bill, in fact, would greatly diminish patronage in value. Its effect was, to limit appointments to persons qualified in a particular manner; they must be of a certain class. The noble and learned Lord could not favour his friends with the same latitude as former Chancellors, because the persons appointed must be of a certain class and qualification. Ever since he had been in the profession, he had heard the evils of the Bankruptcy Court complained of, and those evils this Bill would remedy. It was said, that the Judges would be paid before they had any work to do; that was a mistake. They would receive no salary till April, and in the mean time they would have many arrangements to make for the business of the Court. The separation of bankruptcy from the Court of Chancery had been recommended by Sir Samuel Romilly in

1809. The Judges now to be appointed would be armed with all the powers necessary to come to a conclusion in every case; and examining the parties themselves, could form, from *viva voce* evidence, much more satisfactory decisions than the best Judges from affidavits. In all instances of bankruptcy there was an immense mass of matter which was merely matter of course, and this would in future be got rid of at once, instead of being deferred by the repeated sittings of the present Commissioners. Creditors would now have the means of proving their debts without any vexatious delays. The system of fabricating debts could no longer exist, nor could those evils be continued and renewed which now arose from the appointment of fraudulent assignees, against which the laws had been so ineffectually directed. The Bill would effect a great point, for it would assimilate the country Commissions to the London Commissions, whereas at present the business was transacted in the country very imperfectly. He begged the learned Members of the House to reflect upon the benefit the Bill would produce by relieving the Vice-Chancery Court from a pressure of business, which the Vice-Chancellor could not get through, though the Chancellor and the Master of the Rolls had been able to relieve their respective Courts from the arrears. This was no fault of the Vice-Chancellor, but arose in a great degree from the nature of the present Bankruptcy Laws.

Mr. Alderman *Wood*, being well acquainted with the feelings of the commercial interest of the city of London, would take it upon him to declare, that that interest was deeply anxious that some measure like the present, calculated to correct the abuses of our bankruptcy jurisdiction, should pass into a law. It was highly expedient that at least one commercial man should be always on the list of official assignees, as none other than mercantile men could determine several practical questions between debtor and creditor. The only plausible objection which he had heard against the Bill was, that it would add to the patronage of the Lord Chancellor; but if it effected the good proposed, it was a matter of only secondary importance whether that noble Lord's patronage would be curtailed or extended.

Mr. *Sheil* said, the objections urged to this Bill on the other side were all founded on its details, and did not touch the prin-

ciple, which he thought it was agreed should be the subject of discussion that night. Hon. Gentlemen who spoke early in the debate, dealt mostly in general condemnation of the Bill without pointing out specific objections. They indulged, too, if not in invective, at least in ill-founded imputations on the score of the patronage created by this Bill. The question was, however, not whether there was patronage created by the Bill, but whether the Bill was wanted? If it were once established that the Bill was useful, the objection founded on the exercise of patronage immediately vanished; if the Bill was bad, if it was not wanted, then the creation of the patronage deserved censure. Supposing the disposition of the patronage or its amount to be objectionable, it was matter of consideration in the Committee, and did not affect the principle of the Bill. A good deal of misconception—if not of intentional misrepresentation—had been fallen into on the other side. It was stated last night by the hon. and learned member for Boroughbridge, and indeed by other hon. members, that the Judges to be appointed to this new Court would be paid before their judicial duties commenced; but such was not the fact; for if the hon. Member would refer to the Bill, he would find that, although appointed before January, they did not receive their first quarter's salary till April. The hon. member for Penryn stated last night, that the money collected by the official assignee could not be drawn out of the Bank, except upon an order from the Lord Chancellor; but if he would look to the Bill, he would find that the matter was left to the discretion of the Lord Chancellor or the Judges of the Court of Review. The objection, therefore, to the official assignees, grounded on the supposition that the Lord Chancellor's order alone would be able to get the money out of the Bank, was destitute of foundation. This difficulty of getting out the money was only a contingent matter; whilst the security gained by the arrangement was certain. It was made a great objection, by the hon. and learned Gentleman opposite, to the official assignees, that they were to be paid a per centage upon the whole sum collected; and that, consequently, their emoluments might be enormous, whilst the dividend to the creditor was small. But if the hon. and learned Gentleman would look at the Bill he

would find that the Court of Review had power to limit the amount the assignees should receive. The hon. Gentleman who spoke last stated, as several other Gentlemen had done, that the assignees ought not to be chosen by the Commissioners, but by the creditors; but that objection, too, was one of detail, not of principle, and might very fitly be considered in Committee. It might be thought presumptuous in him to give an opinion upon this Bill; but there was so much affinity between the bankrupt systems of England and Ireland—there was such a twin deformity between them—that he trusted he should be excused for making the observations he was about to make. What were the mischiefs to be cured? Where did the mischiefs of the present system lie? In the appointment of the Commissioners, and in the choice of the Assignees. The Commissioners were selected from a class of persons who had not the benefit of much experience, who were novices in their profession, whose want of practice must incapacitate them for the prompt discharge of their business, and who had strong incentives given them to increase expense and delay. The Assignees were chosen from a class of persons whose interest induced them to enter into combination with the bankrupt against the creditors, and who often picked up their own fortunes out of the ruins of the estate committed to their care. If this was a true sketch of the present system and its workings, correction ought to be applied with a strong and fearless hand. What was the history of a Commission?—a docket was struck, and a Commission was issued to five persons, barristers, but generally not of high rank or station in the profession. This branch of the Lord Chancellor's patronage was exercised, he would not say with a view to parliamentary or political purposes, but certainly not with an exclusive view to public justice. What was the first duty of these Commissioners? It was, to determine whether the party was a bankrupt or not. It was a monstrous thing that a party should be able to bribe a Judge; and was it not equally monstrous, that the law itself should bribe a Judge?—and yet it did, for the Commissioners had a direct interest in finding a party a bankrupt. If they found that he was not a bankrupt, there was an end of their emoluments; but if they found that he was a bankrupt,

ere was an immediate succession of meetings and adjournments, for which each Commissioner was paid 1*l.* a-day, also for proving the debts, settling points of law—in short, every expedient was suggested that could create delay. Another serious evil attendant on the present system was also got rid of by the Bill—it meant that of Commissioners at one moment acting as Judges, at another as advocates;—with one hand they received their fee as Commissioner—with the other, their fee as barrister, and both from the same attorney. The result was, that the intercourse that arose between the barrister and attorney, extended to an intercourse between the attorney and the Judge. The consequence of this double character possessed by the Commissioners was sometimes ludicrous. In two different compartments two different bankrupt cases were being tried. In one of them an individual was playing the part of commissioner, when, suddenly he would invest himself of his judicial attributes, and run into the other compartment to assist the advocate. In Ireland this practice had produced the greatest evils. With respect to the assignees, they were generally appointed by the intervention of the creditor who struck the docket; and the assignee generally entered into combination with the bankrupt or with the solicitor. The solicitor dealt in costs, and the assignee in fractions, which he called dividends. The present Bill strove to correct both these defects. It had been suggested that the Vice-Chancellor's Court was competent to become a Court of Review; but there was the advantage of four Judges, and of examination upon *viva voce* evidence in the Court proposed to be erected, which there was not in the Vice-chancellor's Court. Gentlemen of great eminence at the Bar opposed this Bill; but must be recollected that there was always a tendency in the human mind to defend the abuses by which each had profited. It was said by Lord Chatham, that, touch a single thread in the cobwebs of Westminster Hall, and every bloated spider hidden in their recesses, would rush out to its defence. Demonstration was thrown away upon the admirers of the ancient system; and to them might be applied the lines of the poet—

"In rules of practice obstinately warm,  
Suspects conviction, and relies on form."

Mr. Alderman Thompson had presented

a petition from the merchants and traders of London in the early part of the present year, justly complaining of the existing system of Bankrupt-law, which he was glad to find no one had attempted to defend. He was not about to detail proofs of the defects of the present system, for they must be familiar to every commercial Member of the House; but he was anxious to express his own opinion upon one or two of the proposed changes. It would not become him to impede the progress of a measure, the object of which was, to effect a great and important amendment in the law; but, at the same time, he must fairly state, that there were certain parts of this Bill to which he entertained considerable objections, which objections, as well as several others, ought to be, for the advantage of the trading interests, investigated before a Select Committee up-stairs, as suggested by the hon. member for Bridport. He had, for instance, a great objection to the appointment of official assignees; for the individuals best calculated to protect the interests of the creditors were those who were interested in the bankrupt's estate. He never found that there was any difficulty in getting competent individuals to fill the office of assignees. They were generally selected from the most considerable of the creditors; and although the election was made by the majority of the creditors, taking the amount of money and number of persons into consideration, he never found that the interest of the minority was neglected in the way suggested by the hon. and learned Member opposite. He had stated that it had occurred that assets had been lost to the creditors by the failure of the assignees. It had been his misfortune to be interested in many bankrupt's estates, and such a circumstance never came to his knowledge. At the first or second meeting a banker was appointed, to whom all assets were to be paid, and afterwards the creditors ascertained that they had been so paid, and, if they had not, the assignee was liable to a penalty of twenty per cent. He was not aware that circumstances had ever called for the enforcement of that penalty, so that he apprehended no evil had arisen from the present practice. It might be beneficial to have individuals appointed as auditors to see that the creditors' assignees did their duty, and used diligence in the collection of the assets, and lodged them in a place of security. Great

apprehension had been created by the fear of all assets having to be paid into the Bank of England in the name of the Accountant-general. The very name of that officer was an object of horror to commercial men, from the difficulty and expense of getting money out of his hands. The hon. and learned Gentleman might cry "hear!" but he would state to him a fact in which he was personally interested. Some hundreds of pounds were due to him (Mr. Alderman Thompson), but he was told that the expense of getting it out of the Accountant-general's hands would absorb it all. Most likely the Accountant-general would, even under this Bill, continue to be the Accountant-general. With respect to the patronage that would be created by the Bill, he had no objection to it, provided the public derived adequate advantage from it. He was sorry to see a disposition in any quarter of the House, to treat this otherwise than as a commercial matter; and for himself, without having any reference to politics, he really thought it would be more satisfactory to the commercial interests of this country for them to adopt the suggestion of the hon. member for Bridport, and refer it to a Select Committee. Unless that was done, they should, Session after Session, have Bills brought in to amend this Act, till the laws with respect to bankruptcy would become so voluminous as to occasion the greatest confusion and inconvenience to the commercial world.

Mr. *Burge* was anxious to state the grounds upon which he concurred in the propriety of referring this Bill to a Select Committee, because it had been insinuated on the other side, and broadly stated elsewhere, that opposition to this measure originated in party feeling. One would suppose, from the speeches of those who made that accusation that the opponents of the Bill considered the system of the Bankrupt-law as requiring no amendment. Not one Gentleman had risen on his side of the House without admitting that there were defects in that law requiring a remedy; the only thing they contested being, not that this measure did not contain provisions adequate to remove those defects, but that it introduced alterations which their nature did not require. As to the number of the Commissioners, and the manner in which their time was to be dedicated to the business of the Court, it was said that the number was to be reduced, and that

there would be that constitution of this reduced Court, which would secure the public against loss of time, secure a proper performance of their functions, and be the means of preventing considerable delay and expense. It was said also, that those who opposed this measure, could not be actuated by sincere motives in doing so. He must turn round upon his hon. and learned friend, and say, that there was just as much chance of the other side of the House being wrong in pursuing the course they did; more especially when it was found, that one of the hon. and learned Gentlemen who supported this measure certainly took a very different view of it from that which he took on a former occasion. Certainly his hon. and learned friend, on a former occasion, did not deem it advisable that the jurisdiction of bankruptcy should be separated from the Court of Chancery; but now, at the termination of the Session, when the Bill was introduced at such a period, he thought fit to alter his opinion. There were circumstances connected with the passing of this measure, which he should have imagined would have prevented his hon. and learned friend from arguing that party feeling, with respect to this Bill, existed only on his side of the House without extending to the other. It would be very difficult for him to maintain his opinion, that such a party feeling originated on the Opposition side of the House, when it did so happen that almost every one of his hon. and learned friends had failed, not in shewing that delay and expense had existed, but in proving that they would be remedied by this Bill. When it was said by the supporters of this measure, that the character of the Court of Commissioners, and the number of those Commissioners, were evils which ought to be redressed, and which were proposed to be redressed by this Bill, they certainly need not give themselves the trouble of endeavouring to prove the existence of evils arising from the manner in which the duties of the Commissioners had been performed, and the evils which resulted from the present system, because the existence of those evils was admitted; and it was said they might be redressed by a reduction of the number of Commissioners, and by placing the system in such a point of view as to obtain the assistance of most able Commissioners of Bankrupts, in such a manner as to insure the public's receiving

the whole of their time, and their giving that uninterrupted and constant attendance to the business brought before them, which was considered essential. If the constitution of the Court of Commissioners was reformed with respect to their qualification, and with respect to the degree of attention and time which they were to devote to the performance of their duty, this certainly would redress an evil which, according to all the evidence that had been produced, was the one most complained of. The complaint had not been as to the manner in which questions had been disposed of in the superior Courts; but the difficulty and delay incurred in consequence of the Commissioners devoting so little of their time to the investigation of one particular question, and by reason of their pressing so much business into the small space of time occupied by their different meetings. That appeared to be the ground of complaint stated by the principal witnesses who gave their evidence before the Commissioners. This evil must be corrected, and there was no one on that side of the House who was not quite ready to concur in any measure which would have that effect. But was it necessary for that purpose to create a new Court or jurisdiction? No, it was not necessary that this new Court should be established, because the Courts in Westminster Hall contained abundant means by which all these great questions could be decided, infinitely more to the satisfaction of the public than if they were decided by a Court which must always be, to a certain extent, considered as an inferior Court. One fact was quite clear, there would not be sufficient business in this new Court to engage the attention of those four Judges for anything like the whole year; and it would follow, as a necessary consequence, that whatever talents or attainments they might possess, they would suffer greatly from not having constant practice to keep alive the information they might possess, and which would be necessary to render them efficient Judges of an appeal Court. Notwithstanding the information, knowledge, and intelligence these Judges might possess, the establishment of a Court to exercise the functions, both of a law and equity Court, was not likely to be advantageous. Was it not the general opinion that this experiment had failed in the Court of Exchequer? This alone would be an objec-

tion to the constitution of a Court of this description, even if there existed no other. If this Court of Review was meant to answer any purpose whatever, it was intended to supersede the Vice-chancellor's or the Chancellor's Court to a certain extent. But was it to be supposed, that this Court, consisting of four Judges, would possess that degree of knowledge and experience which was now derived from the Lord Chancellor and the Vice-chancellor? Why, then, was the suitor who might be desirous of appealing, to be deprived of the benefit of resorting to the old-established tribunals of the land, and to the superior Courts of judicature? It had been said with respect to the Commissioners, that the number proposed by this Bill might or might not be sufficiently large, considering the duty they had to perform, subject, of course, to an appeal from the decision of the Vice-chancellor's Court. If these Commissioners received the means of devoting their time to the performance of their duties, if care was taken that those duties were properly performed, all that was required would have been done. No case had been made out to call for, or justify, the establishment of this new Court, which would not only be attended with expense, but with positive disadvantage to the suitors, by depriving them of more competent tribunals to which they ought to have the opportunity of resorting. It had been urged that the accumulation of business in the Court of Chancery was an objection to the questions still remaining to be disposed of by that Court; but even with respect to this objection, it had been clearly shown that the delay which took place was not so great as to be incompatible with the very considerable interests of the suitors. Complaints, too, were made of the great evils arising from the use of affidavits in the Vice-chancellor's Court; but affidavits would also be made use of in the Court which it was proposed to establish, because it would not proceed on *vivâ voce* evidence alone, and affidavits would not be excluded. It had been said, also, that those who contended that this Bill would confer patronage, were mistaken in the view they took of the case. But it was not to the patronage itself that they objected: if it were shewn that it was necessary to establish this new Court—that all this expensive machinery was essential—that the conferring of that patronage would

remove the existing defects in the system—neither he nor his friends on that side of the House would oppose it. But his hon. and learned friend opposite had failed to prove the very ground on which he rested this Bill. He said this Bill proposed to get rid of seventy Judges or seventy Commissioners, with the salaries they receive, amounting altogether to 28,000*l*. This was very true; but was there no difference between possessing patronage to the amount of 26,000*l*. a-year, and possessing patronage in reversion, with the possibility that it might never come to anything like that extent? There was a very great difference, and the advantage was decidedly in favour of possessing a certain patronage to that extent, which must be superior to the chance of offices becoming vacant. This patronage, therefore, was objected to, because it had not been shewn in any way whatever that the plan proposed was necessary. With respect to the appointment of official assignees, one possible case had been put by an hon. and learned Gentleman opposite; namely, that there might be instances in which an assignee might be appointed who had other objects in view than the interests of the creditors. But would the chance of getting a dishonest assignee be considered a sufficient reason for transferring the appointment of assignees to the Lord Chancellor, who could not have, by any possibility, the same means of ascertaining the character and qualifications of the individual to be selected to fill the office, and who, therefore, could not be so advantageous a person to make the choice as those who had a direct interest in making a fit and proper selection? But was it necessary, for the sake of the estate, that official assignees should be appointed? What had the official assignee to do? He was to pay the monies which he might collect into the Bank, to the credit of the Accountant-general. But could not any other assignee do thus much? Was it necessary to appoint an official assignee for this purpose? For what reason, then, could he be required? Was it for the purpose of exercising a control over the estate? The Court of Chancery itself possessed that control. It was the object, or rather one of the objects of this Bill, that the money collected should be paid in. But then there was to be a very considerable commission to be paid to the official assignee, in return for the pains he might take in

administering the estate. There was one disadvantage connected with official assignees, which must be apparent to all who heard him: an official assignee could not have that interest in refraining from plunging the estate into expensive litigation, which would be possessed by an assignee chosen by the creditors, and himself a creditor, whose interest it would be, to accumulate as large a fund as possible. That there were defects in the existing system no one would deny; but there was a great diversity of opinion with respect to the remedies which should be applied: the defects ought fairly to be redressed, but this could not be done, if a measure of this importance was precipitated through this House, without great attention and patient investigation by those who were well qualified to form an opinion upon the subject. He would appeal to the worthy Alderman who spoke last, nay, even to the worthy Alderman who spoke before him, whether he could conceive, acquainted as he was with the subject, that this measure would remedy the defects which existed in the present system? This Bill did not provide an adequate remedy, and it was not calculated to answer the objects which the noble and learned Lord who introduced the measure had in view.

The House divided on the Original Motion. Ayes 107; Noes 31—Majority 76.

The House in Committee.

On the question, that the first clause stand part of the Bill,

Mr. Warburton would say but a very few words. He was not one of those who considered that the present system of bankruptcy did not require very great alteration, or that a radical reform was not required to eradicate the evils which existed. His objection to the present Bill was this; it left unremedied a great part of the evils which existed in the present system. First, as to the delay which was said to arise from the present system of bankruptcy: none of the arguments which he had heard had satisfied him that this delay would be diminished, or that the number of appeals would not be multiplied under the new system. On the contrary, the number of appeals would be multiplied, and the delay would be as great, if not greater, than that to which suitors were at present exposed. He could not understand the use of multiplying appeals. A proper and competent Court to which the parties could carry their appeals

was all that was necessary; but it was now proposed, first to establish a Court of Commissioners, then a Court of Review—and, not contented with this, the parties were to have the power of appealing to the Lord Chancellor, and to the House of Lords. Professional men accustomed to the present system, might, at first, feel a great deal of alarm at the proposed alteration, but he, who was not able to conceive or to understand the advantages arising from such a system, could not help thinking, that the proposition which was now made in this respect was not such an improvement as they might have been induced to expect from that master-mind which originated this measure. It partook of all the evils of the old system, and for that reason, because it was not a radical improvement, he would contend against it; and if he found any of the clauses which called for observation, he would certainly express his opinion upon them, with no intention to delay the House. He must, however, take the opportunity of saying, that to force forward a Bill of this importance at this period of the Session, when many Members were gone, and many more were going out of town, was not by any means proper.

Sir Charles Wetherell said, that as he and many other hon. Members who had thought proper to express an opinion against this Bill, had been pointed out as determined and obstinate opponents of his Majesty's Government, it was to him matter of peculiar consolation to hear an hon. Member of that House, who had been an habitual supporter of his Majesty's Government, condemning the precipitate manner in which this measure had been introduced. He could not regularly allude to what took place elsewhere; but it was pretty generally known, that it had been said in another place, in a somewhat magisterial tone, that Parliament should not be prorogued until the Bill was passed. Some one had said it should be passed—some one had laid down the law—some one had put his *veto* upon the prorogation until this Bill had passed into a law. It certainly was not possible for an individual who was not a member of the Cabinet to know what passed in it; but rumour said, that one man told them this shall be done, and that shall not be done, just in the same manner and tone as he would say to the House of Commons, you shall do this, and you shall not do that. Whether the hon. Member alluded to these arrogant dicta-

tions he knew not; he certainly did virtually, if not literally. To bring forward a Bill of this description at the close of a protracted and laborious Session, and to call upon that House to pass it at midnight, without any previous parliamentary inquiry, was not quite consistent with that degree of respect which the head of the law had usually shewn to members of the profession, and to the House of Commons. In the progress of this discussion, he had taken the liberty to state his objections to this Bill almost to empty walls. He certainly had never had the good luck to see so many Gentlemen present during any part of the argument as he had had the good or bad fortune to see during the division which had just taken place. There was certainly a considerable number of Members present, who had made a pretty large majority in favour of the Bankruptcy Court Bill. He did not blame hon. Gentlemen who were not professional men, for disliking these discussions; to such persons they must, no doubt, be very dry and uninteresting; and, therefore, without troubling themselves to listen to the arguments on either side, they merely appeared in their places when they thought they would be called upon to give their votes. It was true they were not to look solely to the expense of establishing this new Court, without reference to its utility. Assuming this Court to be necessary, which he denied, he should be the last man in the world to look to the expense of establishing this tribunal, though he might, perhaps, be disposed to say a word or two about the patronage. When he heard a complaint made, however, on the ground of additional patronage and expense, he should certainly be disposed to found a complaint on both these grounds, on the statement of the hon. member for Louth. What was this Court to be, and how was it to be constituted? It was to be composed of a Chief Justice, at a salary of 3,000*l.* a-year; and three Puisne Judges, who were to receive an income of 2,000*l.* a-year each; and, certainly, if he thought it necessary to establish this new superior Court, he should not object to its establishment on account of these salaries being too high. His plan for the improvement of the Bankrupt-laws would be something of this kind; he would reduce the number of Commissioners to a certain limit: he would compel that reduced number of Commissioners to exercise the strict duties of the Court be-



low, and he would give an appeal from that Court to the Court of Chancery, by allowing petitions to be heard, either before the Lord Chancellor or the Vice-chancellor. The opposite side of the House had found fault with them for opposing this Bill without having some plan of their own ready cut and dried—there was his plan. He had not expected this Bill to have been brought forward this Session, or, if at all, he expected to see it brought forward here in the first instance, and that it would not have been left to the House of Peers to originate a Bill of this description, although, of course, he did not dispute the right of my Lord Chancellor to bring forward a Bill like this in his own House. Hon. Gentlemen opposite said, “where is your Bill? where is your plan?” If it had been intimated at the early part of the Session that my Lord Chancellor meant to bring forward this Bill, that might have been urged as an argument against them; but to do so now, and under existing circumstances, was not only not consonant with parliamentary usage, but it was really a breach of faith. In the first place, they were to have a list of six Commissioners, who were to perform all the duties now discharged by the existing body. He was firmly convinced, that when this Bill came into operation it would accelerate the progress of the very evils which were now complained of: it was with this persuasion, and not with any views to his own personal comfort or convenience, that he thought it his duty to address the House upon this subject. His objection to the establishment of this Court was, that it was not wanted, and that there could be no possible necessity for appointing four Judges. However, this being a Court of Review, they were to have an inferior Court, composed of six, or seven, or eight barristers, who were to constitute a tribunal analogous to that which now existed, and which was conducted by the Commissioners of Bankrupts. He did not know whether the hon. Gentleman who had just now addressed the House, objected to the very great decrease which was to be made in the number of these Commissioners—this Bill certainly did set to work, and cut up right and left, root and branch, these septuagint Commissioners. He was of opinion that the number of Commissioners in the present lists was too numerous. He would reduce them to a given number, perhaps thirty. Hon. Gentlemen opposite, who,

in the course of these discussions, had talked of their authority and their experience, never dreamt of proposing such a plan as the Court of Review until this Bill was introduced. His memory might deceive him, but he could not recollect that any man ever thought of proposing the establishment of a Court of Review until this Bill was introduced; on the contrary, every man examined before the Commissioners gave it as his opinion, that the best remedy would be to prevent litigation, and to provide cheap and expeditious justice. He might be wrong certainly, in the view he took of this part of the question, but his being in the wrong had not been proved. He would move as an amendment, that everything relating to these Judges shall be left out of the clause. Of course he knew that it would be of no use, because the man with the master-mind—he was going to say, the master of the Cabinet—said the Bill shall be passed, and, of course, passed it must be. So it was with the Reform Bill—the people were told, “My friends, be so good as to keep yourselves quiet—be cool, do not rebel, and you shall have your Bill.” Many hon. Gentlemen might, perhaps, like to have an inquiry upon this subject; “but no,” said the man with the master-mind, “let your own judgment be what it may, you must vote as I tell you.” Under these circumstances, he very much regretted having to address himself to this subject in the presence of so few hon. Members, knowing that he was undertaking a hopeless case, and knowing, as every labourer in this field did know, that he was sure to meet with ironical cheers, and sardonic grins from hon. Gentlemen on that side of the House. However, a man must not permit himself to be turned away from the subject by such matters; they had an imperative duty to perform, and they must do justice to themselves as well as they could by expressing their opinions. The preternatural master-minded lawyer might calculate *à priori* on their decisions, but he would nevertheless discharge his duty, by moving to omit the words to which he had referred. What was this Court, consisting of a Chief Justice and three Puisne Judges, to do? A very eminent man said, that the Court of Exchequer had a vast deal to do; measure after measure had been brought forward for reducing that Court; and if, in conformity with the *fat* of the man with the master-mind, this Bill was passed,

they would yet have to revise their own act, and to pension these Judges off—they must have a little of the *otium cum dignitate*. They were very robust Judges now, flourishing Judges, but the House must look forward to their future comforts and enjoyments, and provide a retiring pension for them, in addition to a liberal salary while they were acting. He requested hon. Gentlemen who had voted, and to whom, therefore, his request could do no possible harm, to consider with him for a moment what these Judges would have to do; they were very able persons, and no doubt would be very willing to work—but what work was cut out for them to do? It was calculated that all this business might be done in the course of fifty or sixty days in the year; that was to say, judicial days, from ten in the morning until four in the afternoon. This was about the period in which the Lord Chancellor could get through the business; so there was at least one consolation in the constitution of this Court—the Judges would not exhaust themselves, they would not spoil their constitutions with hard work, but they would remain in the full possession of their bodily and mental faculties. The labour of these Judges would not be adequate to the salaries they were to receive, and the House was appointing Judges, whose judicial labours might be embraced within a period of two months. The learned Solicitor General smiled at that—he was very glad to see it. Perhaps he would oblige them with a contradiction, or perhaps he would depute some hon. Gentleman on that side of the House to do so. There could be no doubt that there should be an immediate appeal from the Court below without travelling through these other Courts. Supposing the Court to be necessary, where was the necessity for four Judges? If an intermediate Court was really necessary, one Judge, eminent as the Chief Judge of this Court was to be, would be amply sufficient. He should, therefore, move for the omission of that part of the clause which provided for the three Puisne Judges. The hon. and learned Gentleman who addressed the House last night said, he should not reply to the vulgar attacks which had been made upon the Lord Chancellor on the subject of patronage. His hon. and learned friend, for the last ten or twelve years of his life had been much better and much more profitably employed than in that House. It

certainly would have been infinitely better for him (Sir Charles Wetherell) had he like his hon. and learned friend employed his time elsewhere, than within those walls. When his hon. and learned friend stated that the imputation upon the Lord Chancellor, of a desire to create patronage, was so extremely vulgar that he could not make up his mind to reply to it, he would assure him, that had he been a Member of that House during the last ten years, he would over and over again, have heard imputations, at least of equal vulgarity, from his Whig associates, while they were sitting on that side of the House. He had been constantly listening to these vulgarities from the Whigs—to vulgar assertions upon the smallest matters—objections in *duodecimo*. A right hon. friend of his, now the first Lord of the Admiralty, had often been extremely vulgar upon matters of this kind—sometimes accompanying the vulgarity of his objections with a little wit—sometimes with a little acrimony. But all had been exhausted on but trifling subjects, which, as compared with the monstrous folio of patronage, which would result to the Lord Chancellor from the passing of this Bill, was like the most diminutive of all diamond editions. Objections to little pocket volumes, mere 24mos., he had never heard complained of. Indeed, the hon. member for Middlesex and the right hon. Baronet, the First Lord of the Admiralty, had gained no inconsiderable merit among their party for their industry, ingenuity, and cunning in raking up petty grounds of objection. But when they came to this elephant folio of patronage, amounting to some 26,000*l.* a-year, any objection to it was mixed up with the idea of vulgarity. If to object to such an amount of patronage which was needlessly, wantonly proposed to be introduced, was vulgar, doubtless he was the vulgarest of men. Although they had not yet seen an official list of the names of the persons whom it was intended to appoint to the offices which would be created by this Bill—he was aware that the son of an illustrious friend of his, the late Lord Erskine, would be one of the Judges of the new Bankrupt Court. My Lord Erskine and he were friends, although he was a very eminent Whig, and he was then, as now, and as he should always continue to be, a Tory. If he compared my Lord Brougham—preternatural man, though he be—with my Lord

Erskine, who in many respects was the equal of any man who ever filled the office of Chancellor, he thought that, upon the point of patronage, at least, my Lord Erskine had the advantage. The morning after that noble and learned Lord was appointed to the custody of the Great Seal, he had a long discussion with him upon the subject of the list of Bankrupt Commissioners, and indeed upon the business of bankruptcy generally. What was the noble and learned Lord's conduct? As Chancellor coming newly into office, he had the undoubted right of removing every one of the Commissioners appointed by his predecessor; of placing them upon the retiring Pension-list, and of appointing other persons of his own selection, and, if he chose, in his own interest or belonging to his own political party, to the vacancies thus created. But what did he do? To his immortal honour, although several of them were violently opposed to him in politics, and had written and published strong and virulent pamphlets against him and his political friends, he did not displace one of them. One of these pamphleteers, Mr. Bowles, had distinguished himself beyond any other for the violence of his attacks upon the Whigs, so much so as to incur the displeasure of the whole of that party. When my Lord Erskine, therefore, was appointed to the Woolsack, many of his party pointed out to him the propriety of removing Mr. Bowles from his office. He had seen several letters written to the noble Lord upon the subject, from men of considerable eminence. He was not sure, indeed, whether Mr. Fox was not one of those who desired that Mr. Bowles might be removed. But Lord Erskine, although he had the right to displace every man upon the list of Commissioners of Bankrupts, declared that not one should be removed upon any party consideration whatever. He remained true to his word. Not a single Commissioner was displaced; and, what was more, the individuals who filled the various other offices connected with the Court of Chancery, whom the Chancellor had power to remove at pleasure, were left by Lord Erskine in the undisturbed enjoyment of their places. Such was the conduct of the last Whig Chancellor—unmindful of party-feelings where party-feelings should not operate, he would not avail himself of the right of demolishing the list of Bankrupt Commissioners appointed by his prede-

cessor, for the sake of courting patronage by appointing another of his own. There was now another Whig Chancellor; and what did he do? His friends had pronounced him to be more than mortal. The angel Gabriel's sword certainly could not be more sweeping or more trenchant than this preternatural Chancellor's Acts. By the Bill which he had introduced, the Septuagint, as the seventy Commissioners had been whimsically called, was to be sliced off from the body corporate of judicial administrators; and a new Court, consisting of an eminent—he believed not a superhuman—Chief Judge, three Puisne Judges, a list of Commissioners, and a train of Official assignees all dependant upon the appointment of the Lord Chancellor, was to be soldered on in its stead. Certainly, there was a strange difference in the conduct of the two Whig Chancellors. He did not pretend to say which was the more correct; but that of my Lord Brougham, every one must admit, carried with it the appearance of a desire for patronage. It seemed to him, that the Press was a ready instrument in the hands of the present Government; and when he saw the leading journals of the day taking a particular line of conduct, he felt quite sure that it was the precursor of some political measure; therefore, as a precursor to this Bill, they saw, in one of the leading papers, a virulent scrutinizing, but false description of the birth, parentage, and education of every man who was now a Commissioner of Bankrupts. He did not say, that in that libellous, unjust, and calumnious description, my Lord Brougham was a participator; he did not suppose that he was. But certainly nothing could be more suited to his purpose, because nothing could tend more to lower and degrade the individuals attacked, in the estimation of this House and of the country; and consequently nothing could be better adapted to reconcile Parliament to their removal from office, and to the substitution of a different tribunal for the administration of that branch of the law which was previously intrusted to them. He had read the attack of the newspapers upon the Commissioners with pain. He did not know them all, but he was acquainted with many of them. He esteemed them; he knew them to be men of talent, of honour, of untarnished character. He knew the attack which had been made upon them to be false and

calumnious. Did it follow, because a man held the office of Commissioner of Bankrupts that he must therefore be dishonest—his private character bad—his public conduct disreputable? He could not suppose that any hon. Member would allow his mind to be prejudiced by such illiberal notions as these— notions, which the organs of the Government had been at such pains to inculcate. Without troubling the House at any greater length upon this part of the subject, believing that one Judge would be sufficient to constitute the proposed Court of Review, he begged leave to move that the word "Chief" before the word "Justice," and subsequently the words "three Puisne Judges" should be left out of the clause.

On the question being put—

Sir Henry Hardinge did not rise to make any observations upon the question before the House, of which, as a matter of course, he could know very little, but upon which he should not hesitate to have his vote guided by his hon. and learned friend who had just sat down, in whose judgment, honesty, integrity and straightforwardness of purpose he had the most implicit confidence. His object in rising was, to state that in the course of the labours which his hon. and learned friend had undergone upon this Bill, and upon the Reform Bill, notwithstanding the attacks which had been made upon him this evening, that no man ever more distinguished himself in that House for an uncompromising independence, for strict consistency, unflinching integrity, or for a brave and gallant vindication of every political sentiment that he ever uttered, than his hon. and learned friend. And although his hon. and learned friend might have attacked others, and been himself attacked, he would undertake to say, that during the present Session of Parliament no man had laid in a greater stock of admiration from his friends, and, if not of admiration, at least of respect from his opponents, than the hon. and learned member for Boroughbridge. As he was compelled from illness, and other circumstances, to leave town to-morrow, he could not help availing himself of this opportunity to express his heartfelt thanks to his hon. and learned friend, for the course which he had pursued upon the two great measures which had been submitted to the consideration of the House during the present Session of Parliament. As

one of the many who had admired, and who felt indebted to him for the unwearied exertions which he had made, he had uttered these sentiments with a sincerity which nothing could exceed.

The Attorney General did not rise to engage in any contest with the hon. and gallant Officer upon the subject of his hon. and learned friend's conduct, either upon that Bill or upon the Reform Bill. Upon both his hon. and learned friend's opinions had differed from his; but believing them to be the honest conviction of his mind, he did not blame him for the manner in which he had advanced them. He was far from claiming for himself any particular confidence from his friends. But it was quite certain, that upon a question of such a description as that now under the consideration of the House, confidence in particular individuals must go far to influence the votes of the majority of Members, because, from the nature of the question it was impossible that many should be able to understand it. Therefore he trusted that the observations which had been made upon the absence of several hon. Gentlemen from the argument, who were present at the division, would not be allowed to operate to the prejudice of any who, upon a question of this kind, were perfectly justified in placing reliance upon those public men in the propriety of whose opinions and conduct they felt confident. To these observations he must take the liberty of adding, that there never was a measure in the House of Commons more amply considered, more fully discussed in detail, than this had been. It was said that the Bill had been hurried through its different stages with an impetuosity which nothing could warrant, and that the House had been driven into the consideration of it, at late and unreasonable hours of the night. He should like to know whose fault that had been? They had been anxious, on many occasions, to go into the discussion of the Bill early in the evening; but how had they been prevented? By incidental discussions upon inconsiderable subjects, raised and swollen out to inordinate length by the hon. Gentlemen on the opposite side of the House. Thus they had been prevented from bringing this subject forward until a late hour; but, nevertheless he contended that the measure had been well considered and fully argued. His hon. and learned friend, the member for Boroughbridge, among other

grounds of admiration, might certainly claim for himself the merit of having kept his word well, as regarded the conduct which he promised to pursue upon this Bill. As long ago as that day fortnight, he stated his determination to interpose every objection that his ingenuity could suggest to the progress of the Bill. Doubtless he had fulfilled that pledge, for he had this night for the third time advanced the very same argument—for the third time indulged in the same series of extraneous and irrelevant railery. Such conduct was hardly consistent with parliamentary fairness. His hon. and learned friend had said, that he was not aware that the Bill was to be pressed forward at this period. Perhaps he would allow him to state the history of its progress, and to explain why it had been delayed so long. On the 23rd of February last it was introduced into the House of Lords by his noble and learned friend the Lord Chancellor. It was not founded upon any theory or fancy of the noble and learned Lord, but upon the combined opinions of many eminent persons. At the time of its introduction, its nature and its intended operation were fully explained. It was laid upon the Table of the House of Lords—it was printed and circulated—it became matter of universal discussion, both at the Bar, and among mercantile and commercial men in the City—its progress was delayed by the dissolution of Parliament. When the new Parliament assembled, it was again brought forward. It had been, maturely considered by the parties most interested in it. But again its progress was delayed—not as the hon. Gentleman opposite had presumed, for the sake of pushing it off to the end of the Session, then to be carried in haste, and without due consideration, but in consequence of the unavoidable absence of two noble and learned Lords who were anxious to take part in the discussion upon the third reading in the other House. Thus it was prevented from being carried through its final stage in the other House as early as it otherwise would have been. But had it now been but a very short time in the House? At least a fortnight had elapsed since he first brought it forward, so that there really had been plenty of time to give it all the consideration that it could possibly require. He regretted the course which the hon. member for Bridport had taken in the discuss-

ing of this measure, because he did not think it a very fair one. The only real objection that he now heard from his hon. and learned friend was, that he thought the Commissioners would constitute a very efficient tribunal. As to variety of appeals he said, "You may avoid uncertainty, but you will not save expense, nor prevent delay." Expense and delay were the offspring of uncertainty, and by providing against the one evil, the two others were effectually prevented. Expense and delay, then, vanished with the removal of uncertainty. No doubt a variety of appeals was troublesome, but by this Bill they were so arranged as to be made almost immediate, so that little delay could result from them. He had thought it necessary to make this short statement to the House, in explanation of the progress of the measure, and of the reason of its being introduced there at that period of the Session. He had now only to hope that they should be allowed to go *bonâ fide* into the merits of each clause, and to continue the discussion in reference to the provisions of the Bill alone.

Mr. *Wrangham* entirely concurred in the views which had been taken by the hon. and learned member for *Boroughbridge*, and should vote for the amendment which he had moved.

Mr. *John Campbell* begged leave to say a very few words upon the question of whether there should be four Judges, or only one Judge in this new Court. He was convinced, that the great advantage of the Court would be, that it consisted of four Judges, and not of one Judge. To come from Lord Bacon to Mr. Angelo Taylor he would observe that that hon. and learned Gentleman, who, during his Parliamentary career, devoted much of his time and attention to consider of measures for a reform of the Court of Chancery, always contended that three Judges should sit in equity. Even now, upon great occasions, the Lord Chancellor borrowed assistance from the Chief Justice of the Common Law Courts. The Insolvent Debtors' Court, too, which had only been recently established, had three or four Judges. Another advantage arising from this Court being constituted of four Judges would be, that while three were sitting and deciding questions of law, the other might be sitting with a Jury, to try questions of fact. This Appeal Court should not, therefore, be confined to a single Judge, as the decision

of four Judges was likely to carry more authority with it than the decision of one Judge. In the case of a high and responsible officer, such as the Lord Chancellor, it might be expedient to have only one Judge; but the attempt was likely to fail in a case like the present. If there was to be a Court of Appeal immediately connected with the Bankruptcy Court, it was indispensably necessary that there should be more than one Judge. Dr. Paley made use of the expression, that in all Courts of Appeal there should be more than one Judge; and he added, that it appeared to him, that four was the most convenient number. For his part, he would much rather abolish the office of Vice-chancellor than consent to the change now proposed in the constitution of this new Court of Bankruptcy.

Mr. George Bankes could not help feeling that this was a topic well worthy of consideration. He regretted that the House rejected the proposition for referring the whole matter to a Committee up-stairs, for then there would have been an opportunity afforded them of examining this and other important questions, which it was impossible to treat in a proper manner in the short time allowed by his Majesty's Government. He was surprised at the argument they had just heard from the hon. and learned member for Stafford; for, in point of fact, it would come to this—that they ought to have three Lord Chancellors, except at the present time, when a “master-spirit” held that office. The hon. and learned Gentleman, however, admitted, in a subsequent part of his speech, that it was always possible to find a person adapted for the proper discharge of the duties of Lord Chancellor, but that at the same time, it would be impossible to find another person who ought to be intrusted to sit by himself in this Court. The honourable and learned Gentleman had quoted authorities in favour of the views he had adopted, and, among others, he had referred to the opinions of Lord Bacon, and of Mr. Michael Angelo Taylor on the subject. He had met in the course of his perambulations that day, the latter of these eminent authorities, and they had entered into conversation on the merits of this Bill. And he had the authority of Mr. Michael Angelo Taylor to declare, that he had never been consulted on this measure, although he fully expected that

he should have been, and that he approved of but a very small portion of it. So much for the approbation bestowed on the Bill by one of the hon. and learned Member's authorities. The hon. and learned Attorney General had not acted very fairly towards his hon. and learned friend, the member for Boroughbridge, in the course of these discussions, in refusing to enter into the discussion of topics of the highest importance in connexion with this subject. It was forgotten that the alterations involved in this measure were of the utmost consequence, and ought not heedlessly to be made. The hon. and learned Attorney General, in answer to what fell from the hon. member for Bridport, said, that this Bill would certainly attain one of the three objects which it was desirable to attain with reference to the Bankrupt-laws—namely, the removal of the uncertainty attending the present proceedings. He said, that if the uncertainty attending the administration of the law was done away with, this would do away with most of the appeals. It was to be lamented that the learned Gentleman thought it necessary to go out of his way to make an attack of this sort upon the Commissioners, for his language implied that the gentlemen who held these offices were negligent in the discharge of their duty. The noble and learned Lord, the author of this Bill, would assuredly never lend himself to attacks of this nature. He was aware that the noble and learned Lord did in another place make some allusions to the Commissioners, but he would not countenance charges that had been insinuated against them. All those charges arose from the learned Gentleman labouring under a total misapprehension of the real state of the case, and from his being quite unacquainted with its real circumstances. The allusions were rather founded on ignorance than upon any correct information upon the subject. It had been said, that all the opposition to this measure had originated in one quarter, and that it had been made chiefly for the purpose of delay or for some other party purpose. He reprobated the idea as absolutely false and groundless; and he asserted, that only a sense of duty had influenced those who sat around him in opposing a Bill which proposed to reconstruct a Court of justice, when they had had no opportunity of inquiring either into the expediency of the change, or into the probable

workings of the new Court. As for the assertion that all the opposition originated with those opposed to the Reform Bill, he would merely mention, that the hon. member for Bridport had taken the lead in the opposition. There was no ground for the charge of unfair dealing, and he would not be deterred from doing his duty by the throwing out of such imputations. He was one of the Commissioners of this Court for several years, and did not hesitate to say, from what he had seen in that Court, that he believed all of them were extremely anxious to discharge their duties. As for the charge of delay in their decisions, he would refer to the authority of the hon. and learned Member behind him, who stated that, of the 600 bankrupt petitions brought under the consideration of the Lord Chancellor, within a certain period, only fourteen were appeals from their decisions. In the list to which he belonged for upwards of seven years, there was only one appeal to the Lord Chancellor, who confirmed their decision. The most unfair charges had been brought against the Commissioners, and imputations the most groundless had been made against them. Taking the system as it stood, it was impossible to perform the duties in a more exemplary manner than they were executed by the Commissioners. The hon. member for Malton said, that all those offices seemed filled up without reference to the peculiar qualifications of the person appointed. He did not know whether the hon. Gentleman alluded to the present Lord Chancellor or to his predecessors, Lord Lyndhurst, Lord Eldon, or Lord Erskine, in whose times all the present appointments had been made; but such a charge appeared to be utterly groundless; for in a Parliament where each of these noble and learned Lords would be liable to impeachment for such conduct, he did not think that any Lord Chancellor would act so disreputably, or perform his duties in so negligent a manner. With respect to the question more especially under the consideration of the House, it was, on all accounts, better, in a Court of Appeal, to have one Judge in preference to four; for, by this means the responsibility was increased, and persons were protected against being compelled to go into an important question of this nature, without having sufficient time allowed for the examination of it. He should only add, if any one supposed that he supposed

this Amendment merely from a motive of promoting delay, that such person was completely mistaken.

Mr. *Robert Grant* observed, that the subject had occupied his attention for several years, and many eminent men had spent much time in investigating the best form of the tribunal for the decision of cases of this nature. From all the consideration he had been able to give this Bill, he was of opinion that many of the objections which now applied to the administration of the Bankrupt-laws, could not be urged if a Court like that now contemplated were established. No one intended to cast any imputations on the character of the Commissioners and the objections that were urged did not apply to them, but to the system under which they were called upon to act. Under that system the judicial duty was absurdly and mischievously distributed amongst a great number of persons, so that, in fact, it was a subordinated duty; whereas, being a most important duty, it should devolve upon only a few persons, and be their sole and exclusive business. It was one of the great evils of the present system, that the Judges were not persons of great responsibility, and one of the principal objects of this Bill was to remedy that evil. He would venture to say, from his own experience, that if this new system should be found to work well, every one of the Judges in this new Court would be fully and completely employed. He would not enter into the question of the propriety of having one or more Judges in the Court of Appeal, as it was a matter of great difficulty, and required much attention before a satisfactory conclusion could be arrived at; but it appeared that, at least, the present Court would be more in unison with the spirit of our institutions than such an alteration as was proposed by his hon. and learned friend. Objections had been made to an intermediate Court, but by this course all the process of working the Commissions would be settled before the case could come under the consideration of the Chancellor, who would have only to rescind or confirm the judgment of the inferior tribunal upon some question of laws and not of fact.

Sir *Charles Wetherell* would, in the first place, allude to what had fallen from the hon. and learned member for Stafford. The hon. Member hoped that this Bill would pass in its present form. His wishes would probably be gratified; but it

was also probable that, in the course of next Session some measure would be submitted to Parliament for the purpose of altering and amending this sage scheme. There could be little doubt that this measure would become the law of the land, as an intimation had been given in a high place, that Parliament was to be kept sitting until it was passed. Such an order—which he understood was issued from the Woolsack no later than yesterday—had not been promulgated from the days of Wolsey to the present period of political freedom. He hoped that similar orders would not be issued on other subjects, and that the master-mind would at least confine its attention to measures of this nature. In a newspaper, one of the organs of the Government—the Lord Chancellor was made to say, that the Bankrupt Bill shall pass. The Commons of England were to be mere *automata*, not to escape censure even for discussing this measure *in transitu*. The House of Commons had received orders from the Woolsack to pass the Bill without delay; he was certainly not inclined to obey such an order, and should, therefore, discuss it as long as he had anything to say against it. He was opposed, as an individual, to such a scheme; and a grosser judicial job or a grosser piece of judicial patronage, had not been effected than this Bill since the time of Cardinal and Chancellor Wolsey. Since the time of that clerical Lord Chancellor, they had not had the same person holding the Great Seal, and also the Archbishopric of York, the bishopric of Durham, and the deanery of St. Paul's *in commendam*, but there was an instance of a lay successor of that eminent personage manufacturing a Court of Justice with salaries of 26,000*l.* a-year, without any ostensible reason. The resemblance between the eminent ecclesiastic and the eminent lay Lord, must instantly strike the mind of any man. The prudence and economy of the Government when some 40*l.* or 50*l.* was saved by clipping and pruning was loudly boasted of, but when new establishments were to be formed, and when thousands were to be expended, so that Ministers might have new patronage, not a word was said of economy. In all our Equity Courts except the Court of Exchequer, there was only one Judge; and he should, therefore, like to see the Puisne Judges of this Court of Review struck out. Nine months of the year

they must be unoccupied, unless, indeed, their time should be filled up by being made Commissioners under a bill with which the Parliament was threatened from the Woolsack—for the Cardinal threatened the Peers as well as the Commons. Notwithstanding the dreadful condition in which he should put himself by presuming to oppose this sort of usurpation, and these kinds of threats, he should certainly divide the Committee on his Amendment, being resolved to have only one Judge, in the new Court, if he could effect the object.

The Committee divided on the Amendment:—Ayes 19; Noes 71; Majority 52.

Clause agreed too, and House resumed. Committee to sit again the next day.

SUGAR REFINING BILL.] Lord Althorp moved the Order of the Day for the House resolving itself into a Committee on the Sugar Refining Bill.

Mr. Robert Gordon said, as they had just adjourned the Bankruptcy Law Bill on account of the lateness of the hour, surely this Bill ought not to be pressed forward; and he had hopes, if the business was delayed, that some arrangement might be made between the parties interested.

Lord Althorp was not aware that any opposition was intended to the Bill. It had already been postponed to give time for some arrangement to be come to, but as none had taken place, it was necessary the House should settle the question; the Bill besides was extremely short, and they might easily get through it.

Mr. Burge observed, several amendments were to be proposed which were likely to take up some time in discussing. There were hon. Gentlemen in the House who were prepared to object both to the principle and details of the measure.

Mr. Poulett Thomson said, he feared that if the Bill was not forwarded one stage during the present evening, there was a great probability of its being entirely lost, as the advanced period prevented any further delay. As the House had already agreed to the principle of the Bill, he trusted they would not put an end to the hopes that had been accordingly raised.

The Order of the Day was then read.

Mr. Hughes Hughes said, solely on account of the lateness of the hour, and without any factious motives whatever, he begged to move "That this House do now Adjourn."

On this Question the House divided;



when there appeared—Ayes 12; Noes 49—Majority 37. [After the division, it was intimated by the opponents of the Bill, that they would persist in again moving the adjournment if the Original Motion were persisted in, and Lord Althorp consented to postpone the Committee.]

Committee postponed.

CHAIN CABLES.] Mr. *James* said, before the House adjourned, he wished to present a petition from certain manufacturers of iron, who had recently discovered an improved method of making Chain Cables. He wished to state to the right hon. Gentleman at the head of the Admiralty, that the petitioners complained that they had made application to the Navy Board, and no attention had been paid to their suggestions. He (Mr. *James*) was given to understand, for some reason or other which he could not divine, that the Navy Board refused to use the best sort of material for the cables of the Royal Navy. The petitioners further declared, that the test used to try the cables was of too little weight; they were only tested to bear a strain of eighteen tons, whereas, if they were made of the best iron, they were equal to bear twenty-four tons. The subject appeared to him to deserve the utmost attention.

Sir *James Graham* said, he hoped his hon. friend remembered the petitioners were also constituents of his, and therefore he was anxious, of course, that every attention should be paid to their supposed improvements. So far from the subject being neglected, however, he could assure his hon. friend, that the Navy Board had directed one of their surveyors to visit all the iron foundries in the kingdom, and more especially at Fishguard, with reference expressly to the construction of cables, and after all the evidence they were able to obtain, the Navy Board came to the conclusion, that it was not expedient to recommend the introduction of strap iron cables into the Navy. He had been given to understand, that there was not a single instance of a chain cable, such as were at present used, having failed, although some of them had been in use for upwards of three years; he had therefore come to the conclusion, from all the information he had been able to obtain on the subject, that the recommendation of the Navy Board was wise and proper, and that it ought to be followed.

The Petition was read.

Mr. *James* said, that notwithstanding what had been said by the right hon. Gentleman, he was still of opinion these cables ought to be introduced into the public service. A very strong argument in their favour was, that they were daily demanded for the use of private vessels. They were equally strong with others and had the advantage of being much lighter. Petition to lie on the Table.

#### HOUSE OF LORDS, Friday, October 14, 1831.

MINUTES.] Bills. Read a third time, and passed through the other stages, the Standing Order, being suspended; the Relief and Employment of the Poor, and the Barletoe Importation; also the Galway Franchise; Arms (Ireland); Prescription. Committed; Valuation of Lands (Ireland); Military Accounts (Ireland). Read a second time; Hop Duties. Read a first time; Distillation (Ireland.) Petitions presented. In favour of Reform. By Viscount GODERICH, from Inhabitants of Havant and Aldborough:—By Earl GREY, from Stromness, Easter Ross, Selkirk, and Swanwick. By Lord KING, from the Political Society of Warwick, for the abolition of Slavery, and for the diffusion of Useful Knowledge. By Earl GARR, from the Royal Burghs of Scotland, praying for an alteration in the Scotch Reform Bill relating to the disfranchisement of the Fifth district of Boroughs. By a NOBLE LORD, from the Rate Payers of St. Pancras, in favour of the Vestries Bill.

BANKRUPTCY COURT BILL.] The Lord Chancellor.—My Lords, I hold in my hand a Petition from a professional gentleman named Richardson, pointing out several abuses in the present system of Bankrupt-laws, and calling on your Lordships to pass the Bill lately introduced to amend them. My Lords, in presenting the petition, I cannot avoid taking advantage of the opportunity it affords me to state, that I have heard with great concern that, owing to misapprehension, some imputations have been thrown upon me—no, I should not state that, for I hope I am above them—but that some cavils have been made out of this House—where I will not say—respecting my motives in bringing forward the Bill to amend and correct the law relating to bankruptcy, which has received your Lordships' approbation, and is now before the other House of Parliament. It has been said by men for whom I entertain the highest respect—and by one, in particular, whom I have every reason to value on account of his professional and other acquirements—that I was establishing for myself the enormous patronage of 26,000*l.* a-year. Now, my Lords, it is from an utter ignorance of my disposition and nature, as well as from an

utter ignorance of the Bill itself, that any such idea can prevail—for, in place of my creating any such patronage, the Bill absolutely reduces places now worth 35,000*l.* to a sum between 17,000*l.* and 18,000*l.* That, my Lords, is the kind of patronage I take care to secure for myself out of an office which has hitherto enabled the persons holding the Great Seal to provide for the several members of their families, and out of which the family of Lord Thurlow have been in possession of great advantages, having held a sinecure of 10,000*l.* per annum for nearly half a century. All of that, my Lords, I have absolutely relinquished; so that if any person who ever held the Great Seal is liable to be charged with a love of patronage and a close adherence to the advantages of his place, I think I am not the person. I have further to observe, my Lords, that several of my predecessors in the office of Lord Chancellor have been enabled to bestow places upon their connexions and relatives of 3,000*l.* or 4,000*l.* a-year; this also I have not done. It has also been said, my Lords, that I as the Chancellor wish to have a hold over the bar; but I think very little of any such consideration. I wish, of course, to give satisfaction to the Bar; but my great object is, to give satisfaction to the suitors of the Court; and if I succeed in doing that, it will be the only hold which I desire to have on the Court of Chancery. The system of the Bankrupt-laws, which the Bill I introduced seeks to get rid of, certainly gave the Lord Chancellor a hold on the Bar by the disposal of seventy places, which he could dispense as he pleased to young men, who had but just drawn their gowns over their shoulders. That was a sort of patronage which was constantly dropping in, and, for the few months I have held the Seals, I have had no less than six such places at my disposal; but, when the Bill passes, and after it is set into action, I do not expect to have more than eight or ten places to give away all together. And so little do I care for the patronage that the giving away of them will throw into my hands, that I assure you I shall be heartily glad if any person will move, either in this or the other House of Parliament, that the Lord Chancellor should have nothing to do with them; and I don't care if the Lord Mayor and Aldermen of the City of London, or the benchers of any of the Inns of Court, or the Lords of his Majesty's Treasury—

who will, perhaps be more suitable than the Lord Mayor and Aldermen—shall be intrusted with the disposal of them without my interference or control. It is also said, that I set great store by the Bill, and am very anxious that it should pass, but that my colleagues in the Administration are against it. Now I speak in the presence of my noble friend at the head of his Majesty's Government—certainly a most insignificant sort of person in the Administration—and in the presence of my noble friend the Secretary of State for the Home Department—certainly another most insignificant personage in Administration; yet in the presence of those two most influential of my colleagues do I speak it—and I put it to them if, since I commenced these Law Reforms, I have not explained each of the measures I proposed to introduce personally to them? I ask them if, besides my communications in the Cabinet, I have not gone into the explanation of each measure separately, and in private, both of the principle and the minutest details? And I also ask them, if I have ever met their disapprobation, and if I have not altered one or two points at their suggestion? Because, though I am the only professional man in the Cabinet, I do not wish to stand up too much for my own opinion: and I put it to my noble friends, before your Lordships, if one single tittle contained in these Bills has not met the entire and cordial concurrence of his Majesty's Government? [*Hear, from Earl Grey.*] I did not mention to my noble friends that I should make any statement of this nature; but having done so in their presence, I confidently appeal to them to support and confirm it. My Lords, it has been said, in another place, that I am desirous of being as dictatorial a Chancellor as was Cardinal Wolsey. To this I will only reply, that I resemble him as much in my notions of British law, as I do in the rest of my conduct and character, and just as much, and no more, than I do in my deportment towards the Monarch whom I have the honour to serve—towards the colleagues with whom I am associated—and towards the people at large. I am most anxious with regard to the passing of this Bill. I do not deny it. I feel the strongest desire—a desire that I shall not lose but with life—to have this Reform become part of the law of the land. There is no sacrifice of private convenience,

exhausted as I am with incessant labour, that I will hesitate to make to advance it, and I look with confidence to its speedy and successful accomplishment. My Lords, to my infinite astonishment and mortification, I find, that in the opening of the Bankruptcy Court Bill elsewhere, a Budget accompanied it; making a provision for the Lord Chancellor for the loss of emolument and patronage it inflicts upon him. I assure you that was not done with my consent. I knew nothing of it. I only knew that a compensation was to be made for the family of Lord Thurlow, and for others whose rights were to be affected by the remodelling of the Court, but I had no idea that the Bill was to be clogged with any provision for the Lord Chancellor. I expect compensation, undoubtedly; I will not practise so much hypocrisy as to deny it; but I trust for that compensation to a future measure and to the justice of a future Parliament. Your Lordships are aware that I have brought down the salary of the Lord Chancellor from 16,000*l.* a-year to 8,000*l.*, leaving it to the Legislature to make up a suitable provision in the manner it shall best think fit. Of course I cannot afford to give up all that sum; and, if I could, my successors have a claim to be considered, and I cannot be unjust to them; but I left the arrangement for another Session, as I was anxious that nothing which personally concerned me should clog the Bill in its progress. God forbid that I should not receive, or that I should prevent my successors from receiving, the just rewards attached to the high office I at present fill. It is wholly unreasonable to expect that the Lord Chancellor shall have but 7,000*l.* or 8,000*l.* a-year, while the Chief Justice of the King's Bench has 10,000*l.*, his office being for life, while the Lord Chancellor is only appointed during pleasure. I feel assured, however, that the justice and wisdom of Parliament will not permit the office of Lord Chancellor to be reduced in emolument from 20,000*l.* to perhaps about 7,500*l.* per annum, if it be only on the account of the policy of maintaining the Great Seal upon such a footing as to make it an object worthy of the ambition of lawyers in the very highest practice at the Bar. At the same time I must repeat, that I postponed the consideration of the retiring pension for the Lord Chancellor, or, of the compensation which he should receive for the reduction of the emolu-

ments of his office, under the operation of these Bills, in order that the Bankruptcy Court Bill should not be clogged; for my great object is, to carry this Bill into operation, and to promote that Reform of the Law which I will sacrifice all personal consideration to accomplish. I beg pardon, my Lords, for having intruded upon your time; but perhaps you will agree with me, that when a man has an explanation to make, however safe he may be in the hands of his friends, it is better that he should make it in his own person.

Petition to lie on the Table.

EMBANKMENTS (IRELAND) BILL.] The Duke of Leinster moved the third reading of this Bill.

The Earl of Roden moved, that it be read that day six months. In proposing this Amendment, he begged leave to assure the noble Duke, that his opposition to the Bill did not arise from any remarks made by the noble Duke during the progress of the discussion, but from the nature of the measure itself, which appeared to him calculated materially to affect the rights of private property. He regretted that on this account he was unable to support it, as the Bill had been brought forward to furnish employment to the poor of Ireland, who were very much in want of it, and for whose state he had the deepest sympathy. To shew the effects of the Bill as it appeared to him, he would put a case hypothetically. Suppose a man possessed a property worth 300*l.* a-year, and his tenants formed a Joint Stock Company. They obtained a commission to proceed with their undertaking from the Lord Lieutenant; they then applied to Government for money to proceed, and all this might be done without the consent of the proprietor. The parties commence the work without reference to the owner, who may have opposed it, but whose land would become liable for the money borrowed, as the money would be advanced only on the security of such land.

The Duke of Leinster said, such an undertaking could not be commenced without the consent of the great majority of the landed proprietors in the vicinity.

The Earl of Roden.—Well, then, suppose such a Joint Stock Company fails, who would then be responsible? He apprehended the land would be liable to Government.

The Marquis of *Westmeath* said, he presumed the money would be secured in a manner which would obviate all difficulty, although he was ready to allow, the land might be ultimately liable, as was the case in all assessments of such a nature. He should have wished to see the provisions of the Bill less complicated, but at the same time, he could overlook that defect, in the hope that it would tend to furnish employment for the peasantry, which was so very much wanted in Ireland.

The Duke of *Wellington* said, he was of opinion a measure of this nature ought to be referred to a Select Committee. The subscription required by the Bill in order to constitute one of these Joint Stock Companies might turn out a juggle, and a lien might be thus obtained upon the land to the amount of the money advanced by Government, by means of an actual conspiracy. He considered the whole principle of the Bill most objectionable.

The Marquis of *Lansdown* begged to observe, in reply to the noble Duke, that no works could be undertaken without the consent of the great majority of the landed proprietors in the neighbourhood, and it would be found that every necessary precaution had been taken in the Bill to provide against any improper appropriation of the funds supplied by Government: further he wished to observe, that the measure had been thoroughly sifted and examined in the other House of Parliament, and it had there obtained the consent of the principal landed proprietors who were most likely to be affected by its operations and provisions. It was obvious, that to complete any extensive drainage, there must be a compulsory measure where the consent of many persons had to be procured, or there would be no drainage at all.

Viscount *Lorton* said, the Bill had been brought forward under the plausible pretext of furnishing employment for the poor: he feared it would fail in that object, while its worst feature, the invasion of private property, would be effectual. On that account he must object to it.

The House divided on the Original Motion: Ayes 38; Noes 20—Majority 18. Bill read a third time and passed.

#### HOUSE OF COMMONS,

Friday, October 14, 1831.

MINUTES.] New Writs ordered. For Tavistock, in the room of Lord WILLIAM RUSSELL, who had accepted the Chiltern Hundreds.

New Member sworn. HON. DONALD OSGILVIE, for Forfarshire.

Bills. Read a third time; Distillation (Ireland.) Read a first time; Prescription and Tithe Composition.

Petition presented. By Mr. WILKS, from the Members of the Provident Society, Cornham, for the Amendment of the Friendly Societies Act.

PILGRIM TAX—INDIA.] Mr. *Wilks* presented a Petition from the Rector and other respectable Inhabitants of Stafford, praying for the abolition of the Pilgrim Tax in India, and that the hereditary estates of Hindoos might not be forfeited by their conversion to Christianity.

Mr. *John Campbell* begged leave to support the prayer of the petition. He was anxious to see the Christian religion extended throughout the world, but he at the same time thought, that the religion of our fellow-subjects in India ought to be as little as possible interfered with. He had never understood that Hindoos lost their estates on changing their religion.

Sir *John Malcolm* said, he fully concurred in the prayer of the petition, but he entreated the House to be cautious how they dealt with such kind of petitions. At the present moment when education was generally diffused throughout India, and the language of this country extensively understood, such petitions attracted much attention, and the consequences of their being discussed in that House were likely to be more important than hon. Members calculated on.

Mr. *Wilks* said, he could have no desire whatever to cause excitement in India, where the British empire depended almost wholly on the influence of opinion. At the same time there was a great distinction between tolerating the religions of the country, and sanctioning a custom by which pilgrim fanciers collected together a number of unhappy devotees from districts of the country, and received a sum of money for each.

Sir *Charles Forbes* said, the petition just presented referred to a practice of great importance, and the collection of revenue from such a source was extremely objectionable.

Mr. *Cutlar Fergusson* observed, that the petition stated, that the Hindoos lost their inheritance on being converted to Christianity, but he could declare, that there was no one instance of a native being deprived of his inheritance from such a cause, and he would further affirm, that there was not a Court within the provinces

ruled by the East-India Company which would enforce such a law.

Mr. *Astell* remarked, that any discussion on such a question could not advance the object of the petitioners. He believed that object could be best obtained by avoiding all angry discussion.

Mr. *James E. Gordon* said, he thought the connection of British authorities with the ceremonies of Pagan Idolatry involved a dereliction of Christian principles on the part of the Anglo-Indian government, which was at once a reflection on the nation, and a proof that it was not sincere in professions of Christianity. He entirely agreed with the petitioners, that the management of Pagan Temples ought to be left to Pagans themselves, and that all sanction of idolatrous ceremonies should be withheld by a Christian Government.

Petition to be printed.

THE CANADAS.] Mr. *Labouchere* presented a Petition from the Commons of Lower Canada, in Provincial Parliament assembled, praying for the repeal of the Act, 6th George 4th, providing for the extension of feudal and seigniorial rights and burthens on land in the said province. As the House had already taken measures to obviate the evils which had resulted from that Act, he only presented this petition to call the attention of the House to a most striking instance of the mischiefs which might be inflicted on a colony by misinformed and hasty legislation. The evils resulting from the Act had been repaired so far as the power of the House extended, but property to a large extent had been lost and sacrificed by the consequences resulting from that Act.

Petition to be printed.

Mr. *Labouchere* had to present another Petition from the House of Assembly of Lower Canada, which was agreed to unanimously, and comprised a long list of grievances, from which they prayed redress from the House of Commons. He would not fatigue the House by going through these grievances at large, which it was not likely many hon. Gentlemen would comprehend or pay attention to; but from this very circumstance he derived the strong argument, and which also was the prayer of the petition, that it was most advisable to meet the evils effectually of which the petitioners complained, by enabling the colonies to manage their own concerns in their own way, so that the colonial

Legislators could redress the grievances of their constituents without being compelled to come to this country for the purpose. This would be going at once to the root of the evil, for it was plainly impossible the present state of affairs could long remain, as the House of Assembly of Canada, although unanimous on the subject of these grievances, did not possess the power to remedy them. The principal complaints contained in the petition, related to the Legislative Councils, which the petitioners affirm are composed in such a manner as to be wholly detached from the rest of the colony, being connected with it by no ties of property, of birth or affection. The petitioners also complained of the judicial system, but he was happy to say, this part of the complaint was in part remedied by disconnecting the Judges from political affairs. The petitioners also complained of the clergy preserves of land, and the alienation of lands belonging to the Jesuits College at Montreal. He adverted to these specific complaints to show how necessary it was that the colonies should manage their own affairs, and he entreated the House to consider whether the time had not arrived when the whole system of colonization ought to be thoroughly investigated, and the connection between them and the mother country established on a more liberal footing, while means were taken to improve the institutions of the colonies themselves. By some measures of this kind they might, perhaps, put an end to those feelings of irritation which had so long existed in the minds of the colonists. He firmly believed this could be done, and that the inhabitants of the Canadas, who now amounted to 1,000,000 souls, might enjoy as much happiness under the sway of the British monarchy as could be enjoyed by the citizens of any State of the world. But to attain this great end it was necessary that the institutions of the colonies should be adapted to the state of society existing therein. There were no materials out of which to raise an aristocracy in the Canadas; there were no great and wealthy landed proprietors; the inhabitants were all of nearly equal property and perfectly of equal rights; from this foundation he and they considered that the British Constitution, as divided into three branches, was not applicable to their peculiar situation. He begged distinctly to declare, however, that he was firmly attached to that

Constitution as it existed here, but what he meant to say was, that there were certain communities in which the materials for the gradations of ranks on which its foundations rested were not to be met with, and he considered the Canadas in that situation. To prove that these sentiments were correct, he would state the fact, that in British North America, out of 1,000,000 inhabitants, there were 200,000 landed proprietors; a greater number in proportion to the population than existed in any other part of the world. The institutions of any country must be so regulated, if good government was to be the result, that they must meet the wants, and be applicable to the habits of the people living under them. The House must not, therefore, be scared by the phantom of democracy, when there were no materials to set up the substance of an aristocracy. If an attempt was made to create one, it could only end in an odious oligarchy. He had the high authority of Mr. Pitt for saying, that no materials for an aristocracy existed in the Canadas, and though a real aristocracy was a blessing, yet a sham one, having no root in the soil or property of the country, was the greatest curse that could be fastened upon a community which had no sympathy with such an institution. He was, therefore, fully convinced, that our only permanent chance of going on well with the colonies was, to put the Legislative Councils on a different footing, and introduce the principle of election into them. This was the form of the constitution of our old American colonies, which enjoyed the most popular institutions in the world. He had always resisted the application of principles drawn from the United States, when applied to England, from the very different circumstances and habits of the two countries, but it was equally wrong to assert, that because in England, from the gradations of ranks and privileges, and the state of society, it was impossible to revert wholly to the popular principle, that therefore that principle must not be resorted to in our colonies where the materials and construction of society were so wholly different. He was bound in justice to declare, that the colonies had been treated in the most kind and considerate manner by the right hon. Gentleman (Sir George Murray) who lately presided over the colonial department, and that his system had been followed up with great activity by the

noble Lord who had succeeded him. The colonists made no complaints against their governors, as connected with their present institutions, but they complained that these institutions required amendment. The colonists expressed no distrust in the administration of the colonial department in this country, and he was certain their confidence was retained, and with that view he would conclude by entreating his noble friend, at the head of that department, not to attempt to trifle or neglect this great question, but to look forthwith into the whole state of the British colonies with an earnest desire to redress their grievances and improve their institutions. As he understood his hon. friend, the member for Middlesex, had a petition to present from the other province of Canada, on the subject of the clergy reserves, he would take the present opportunity to declare, that it was absolutely necessary for the peace of the colonies, that an end should be put to the pretensions of the Church of England, and a perfect religious equality established. He was a friend to that Church in this country, where the majority of the people professed its doctrines, but the case was different in the Canadas, and it was perfect madness to attempt to build up an Established Church there. The sooner the attempt was abandoned the better.

Viscount *Howick* said, he entirely agreed with his hon. friend, that a petition coming unanimously from the House of Assembly of Lower Canada was entitled to the best consideration and attention of that House. He also concurred with his hon. friend, that the Colonial Legislatures ought to be intrusted with the internal management of the affairs of their respective colonies, and that it was for the interest of all parties that every means should be adopted, which could tend towards increasing the happiness, wealth, and commerce of the colonists. These were the principles which he had always advocated, and they were, he was happy to say, the principles which guided the Administration of which he formed so humble a part. The only case in which the House had been called upon to legislate with regard to Canada, since the accession of the present Ministry to office, was, with respect to two Acts which were brought in for the sole purpose of removing technical difficulties. The latter of the two was an Act to enable his Majesty to consent to an Act of the local

Legislature, for regulating the financial affairs of the colony. With respect to the complaints of the petitioners, his hon. friend had admitted, that the judicial system had been improved. The first object of every Government ought to be, the impartial administration of justice; and to obtain which, it was necessary that those who were to dispense it should be wholly independent of the executive power. Such an independence had been completely effected by the present Government. An Act had passed the Colonial Legislature, at the recommendation of the noble Lord at the head of the Colonial Department, by which a permanent salary was established for the judicial officers, and their situations were made to depend wholly upon good behaviour, similar to the Judges in this country, who were wholly independent of the Crown. They were not to exercise any political authority whatever except the Chief Judge, who was to be a member of the Council, because it was desirable to have a member competent to give legal opinions if that was found necessary. With respect to the appropriation of the estate attached to the Jesuits' College, that estate had never been diverted from its original purposes of education, and, in future, it was to be exclusively devoted to these purposes, under the superintendence of the local assembly. Passing by other matters of detail which were in course of being remedied, he would beg to add a few words on the subject of waste lands, and the method by which they had hitherto been managed. He had no scruple in declaring his opinion, that an improved system could be devised, but he must add, that the fault of this arrangement did not wholly rest with the Government, but was to be ascribed to the incorrect notions entertained as to the best manner of disposing of this species of property. These incorrect notions were also shared by the local assemblies. So long as free grants of land were made, he believed it to be impossible but that some abuses must exist, and the only effectual remedy was an improvement in the system of making grants. The only other question with which he would trouble the House regarded the composition of the legislative bodies. He was free to admit, that the legislative council was not formed in the most unexceptionable manner, but how it was to be improved was a question of great

importance, which he would not go into. He was enabled, however, to state, that means had been taken to render the appointments to it more popular, and to gratify the people. He trusted these measures would be sufficient, combined with other alterations which were in progress, to remedy the defects which he allowed existed in the present constitution of the Assemblies. If experience should prove that these alterations were not sufficient, there would be no serious indisposition on the part of Government to consider whether the council ought not only to be increased in number, but that some modification of the principle of its appointment should prevail. He trusted, this short explanation would be satisfactory to the House and to his hon. friend, for he would declare, in conclusion, that the noble Lord at the head of the Colonial Department had distinctly recognized the principle, that the local Legislatures of the Canadas were the best judges of the principles to be adopted in the government of that country, and of all matters connected with its internal economy.

Mr. George Robinson said, the noble Lord had dealt largely in profession, but that was one of the serious complaints of the colonists, that the endeavours to remedy these grievances never went any further. On nearly the last day of the Session, they began to discuss affairs of vast importance to the colonies, when it was evident no useful amelioration of their condition could be expected. Since the report of the Committee of 1828, which contained a vast body of useful information, little or nothing had been practically done for the improvement of the Canadas. It was wholly impossible for the local Legislature to touch many of the grievances. The clergy reserves, for instance, were appropriated under an Act of Parliament, and therefore one of the most crying evils could not be lessened by the local authorities, in the smallest degree. With respect to the legislative council, he very much doubted whether the degree of popular feeling infused into it in the manner prescribed by the noble Lord, would be sufficient to make it work well. He fully agreed with the hon. Gentleman (Mr. Labouchere), that it was an absurdity to attempt to adhere to the forms of the British Constitution in the government of the Canadas. He did not mean to doubt the good intentions of the

noble Lord at the head of the Colonial Department, and of those connected with that department, but he should really be better satisfied if they professed less and did more.

Mr. *James E. Gordon* said, he felt called upon to make a few observations upon one subject, which the hon. Member who presented the petition introduced at the close of his speech. He understood, that the hon. Gentleman recommended the establishment of a religious equality in the Canadas. If, by that sentiment, he meant an equal freedom and protection in the worship of the Almighty to all sects and parties, he fully agreed with him; but if he meant the equal support of all sects, he protested against such a doctrine. He could by no means understand on what principle a Protestant State should equalize religion on such terms in its colonies. If any hon. Gentleman considered that the Church of England should be disconnected from the State, let him bring forward a proposition to accomplish his purpose, and he for one would be ready to meet him; but while the Church establishment was part and parcel of the law of the land, he could not comprehend upon what principle hon. Gentlemen indulged themselves in talking of the equalization of religion. The hon. Member said, he supported the Church of England in this country simply because it was the religion of the great majority of the people, without, as it appeared, caring for the truth or principle of it. From such latitudinarian opinions he entirely dissented. He supported the Church because he approved of its doctrines, and thought it an important part of the Constitution. He must also protest against being supposed to acquiesce in the opinion, that our religious establishments in Canada were more extensive than necessary. To apply a commercial phrase to things of more importance, he believed the supply was not more than equal to the demand.

Sir *James Mackintosh* had listened, with great satisfaction, to the sentiments of the hon. Member who had introduced the petition, and with no less satisfaction had he heard the reply of his noble friend. In most of the opinions advanced in the course of the discussion he agreed, with the exception of those advanced by the hon. Gentleman who had last addressed the House, who evidently was not acquainted with the facts of the case upon

which he undertook to censure the observations of his hon. friend. The hon. Gentleman did not seem to be at all aware that the colonial institutions in connexion with the Established Church in Lower Canada, weakened instead of supporting that Church. The Roman Catholic was the established religion of Lower Canada, and had always been so; and, therefore, the only question was, whether the people should have the religion they liked best, or be forced to adopt one that other persons considered better for them. He admitted this case did not apply to Upper Canada. But the hon. member for Dundalk had equally misinterpreted or misunderstood the sentiments of his hon. friend with regard to the Established Church in this country. His hon. friend had never meant, and certainly did not say, that, because the Established Church was the religion of the majority of the people, that was the cause of his attachment to it. All he meant to say was, that such a case formed a strong ground for the Legislature to support it—a reason which was wholly inapplicable to the state of things in Canada, where the great majority of the people professed a different religion.

Petition read.

Mr. *Labouchere* moved, that it should be printed; and, in doing so, begged leave to observe, that he regretted he should have been misunderstood. He was as firmly attached to the doctrine and discipline of the Church of England as the hon. member for Dundalk. He believed that Church was a blessing, and not a burthen, to the country; but he also believed, that the Church was made for man, and not man for the Church. He knew also, that he was supported by the unanimous opinions of the people of Lower Canada, of all persuasions, with respect to the religious institutions of that colony.

Petition to be printed.

Mr. *Hume* presented a Petition, signed by 10,000 Freeholders of Upper Canada, praying that the House would take the state of that colony into their most serious consideration—would direct their attention to promote education and religion there—would leave all religious sects to be provided for by their various followers, and would abolish all political distinctions on account of religion. In supporting the prayer of this petition, to which he requested the serious attention of the



House, he must, in the first place, express his great satisfaction at the sentiments which the noble Lord had laid down as the acting principle of the Government of which he formed a part, with regard to our colonial policy. The noble Lord admitted, that the House of Commons was not the most fit body to legislate for the colonies, but that the parties themselves ought to be intrusted with their own legislation, as they must best understand their own interests. It only required time to carry that fair and liberal opinion into full effect among the colonies. The colony of Canada was particularly deserving of the best treatment from England; for in the hour of difficulty and danger, the inhabitants had most nobly come forward to defend their country from the attacks of the United States, and had defended it successfully, when the troops sent out from this country would not have been alone sufficient to cope with the enemy. He could assure the hon. member for Dundalk, that the sentiments entertained by that hon. Member were not those entertained by the inhabitants of Canada, who, in this petition, had distinctly expressed their hope that all religious sects might be placed on a footing of equality. When he recalled to the remembrance of the House the feuds and broils, the wars and civil discord, the bloodshed and cruelties, which had arisen in every State of Europe from religious dissension, he thought the propriety of this part of the petition could not be doubted. The petitioners also expressed their hopes, that all ministers of religion should be removed from places of political power in the colony. It had been said, that the greatest number of the Ministers of religion was composed of members of the Church of England. It was proved that that was not the fact; for, in 1828, out of 236 ministers of religion there were only thirty-one members of the Church of England; and the complaint of the petitioners was, that these thirty-one engrossed all the places of profit and power in the colony so far as the Church was concerned. That these few pastors should be elevated above all other sects, and be formed into a dominant Church, must naturally give great offence; for the other parties, who were the most numerous, justly considered their clergy neglected and degraded by their exclusion from offices. To put an end to all rivalry of this sort, the petitioners

most justly, in his opinion, prayed that the clergymen of the Church of England should be debarred from accepting offices the duties of which were inconsistent with those which properly belonged to the teachers of religion. The petitioners also particularly prayed, that each sect might have the power, throughout both Upper and Lower Canada, of solemnizing marriages according to their own peculiar rites, of which many of them had long been deprived, contrary to the repeated and unanimous votes of the House of Assembly. He was, on this part of the subject, very happy to acknowledge, that this grievance would be removed by a Bill which had lately received his Majesty's assent. They also prayed, that the charter of King's College might be modified, so as to put an end to all sectarian tests, which had the effect of excluding all but members of the Church of England from the College Council. At present, men were compelled to sign the Thirty-nine Articles before they could enter the Council; and it was the necessity of doing that, which the petitioners wished to have abolished. He considered this part of the prayer most reasonable and proper, and that the inhabitants of Upper Canada had a just ground of complaint against such a provision. Now that all religious disabilities had been done away with at home, he hoped the same measure of justice and liberality would be dealt out to the colonies. With respect to the appropriation of land to the clergy, the petitioners prayed, that the land hitherto exclusively applied to the purposes of the Church Establishment might be placed at the disposal of Government, for the purpose of being applied to the education of all classes of the colonists. He fully concurred with the petitioners in thinking that this was absolutely necessary, and he had no doubt the House would be of the same opinion when they considered that, in every province in the United States surrounding Upper Canada on all sides, provision was made by the legislatures for the education of every child without any distinction of sex or religious sect. By the legislatures of these provinces it was provided generally, that wherever there were fifty adjacent houses, or even huts, a school must be kept open for six months in the year, and wherever the number increased to double that number of dwellings a school must be kept open during the whole year. Some plan re-

sembling this ought to be extended to our North American provinces. Having thus gone through the principal points of the petitions, as he saw a right hon. Gentleman (Sir George Murray) present, who lately presided over the Colonial Department, he ventured to press the remarks he had made upon his attention, as he (Mr. Hume) considered the late Government had not acted with sufficient liberality to the Canadas; and thereby had caused them to be more dependent on the parent State, which had entailed a heavy expense and burthen upon this country. He had always maintained, that if colonies could not be maintained with advantage to themselves or the mother country, the sooner they parted from each other the better; but he never said the Canadas could not be made most useful to this country, and, at the same time be most prosperous in themselves. He believed, under proper management, both would be found quite practicable, and therefore he hailed, with great satisfaction, the appearance of a more liberal system. He would conclude by requesting permission to bring up the petition, and he would add, that one more replete with argument and sound sense he had never had the honour of presenting to the attention of the House.

Mr. Wilks supported the prayer of the petition. He agreed in every point with the petitioners, and he had no doubt the same sentiments prevailed in the minds of those illustrious statesmen who had recently been the great advocates for the extension of civil liberty in this country, and who must desire to see religious intolerance uprooted from the soil of our colonies. He, therefore, wished to attract their special notice to a petition which sprung from one of the most important of our colonies—which had stood by us through good and evil report, and was ready to relieve this country from all financial charges on its account. The petition was signed by upwards of 10,000 persons of all sects and creeds of Christians, and in furtherance of its prayer the resolutions of the meeting from which it had emanated pronounced it expedient to supply funds for the promotion of religion and education in the provinces generally; that the pastors of all sects might be left to be supported by the offerings of their respective congregations; that all political distinctions on account of religious faith ought to cease; and the ministers of

all religions ought not to have political power; that matrimony should be solemnized according to the faith of the parties; that the charter of King's College should be revised, and the College opened to all denominations of people; and that the clergy reserved lands ought to be appropriated for the purpose of general education, were the wants and the prayers of the petitioners, and the temper and discretion with which they were urged gave them additional force. As to the latter part of their prayer, the clergy reserves, he thought, when it was recollected that they amounted to 3,500,000 acres of land, which would yield an annual income of 350,000*l.* for a century to come, the bare statement was so monstrous that the very fact of declaring it, was sufficient to prove that a different appropriation of this enormous quantity of land was required; and to what better purpose could it be applied than for the promotion of general education? When to this it was added, that, since 1828, nothing had been done to ameliorate and improve the institutions of the colony, although Canada had been, during the intervening years, largely increasing in population and wealth, when approximation to another State with habits opinions, and interests similar to their own, made it necessary that every measure should be taken to satisfy the people; when all this was the case, he must say, if nothing were done, if the same measure of procrastination was continued, Canada, like the present United States might be wearied by neglect, which would be much to be regretted, for she saw around her enough of evidence to assure her, that if she willed a separation it could not be withheld. But although the petitioners might be conscious of this, they rather appealed to the generous sentiments of the Representatives of the British people than to their fears. He could not believe their hopes would be blighted. The same liberality which was loosening the bonds of bigotry and bad government at home, would extend its boon to the happiness and prosperity of the colonies on the other side of the Atlantic.

Sir George Murray said, he should not have addressed the House upon this subject unless he had been directly alluded to by the hon. member for Middlesex, in connexion with his remarks relating to the policy of the late Government with regard to Canada. He trusted the sentiments

he had always entertained with regard to the subjects to which this petition referred, were sufficiently well known to the House. He conceived that nothing could be more unfortunate for a State, than a difference of political condition among its citizens on account of a difference in their religious opinions, for nothing could be more foreign to the character of true religion than to be dragged forward and forced to become a party in political strife and contention. He could assure the House, that during the time he held the seals of the Colonial Office, there had been no desire on the part of the late Government to adopt the policy of making one sect dominant over the rest. On the contrary, there was a desire gradually to change the old constitution of the colonies in that respect. He, however, differed from the hon. Member in one respect, for he thought that all sects ought not to be left to provide for their own preachers, but that the Government ought to make some provision for each of the important sects in the country, and endeavour to form some link of connexion with it. Some provision, made in that manner by the Government, would confer a degree of respectability on the sect thus provided for; would connect it in some degree with the State; would prevent the teachers of religion from being wholly dependent on their followers, and thus would prevent them from degenerating into that fervour of religious zeal and enthusiasm which bordered on fanaticism, and which was frequently seen in those who relied for support solely on their power of exciting the feelings of their congregations, teaching, not truth but what they found most to their own interests. It was in conformity with these principles that provision was made in Upper Canada, both for the Catholic and Presbyterian clergy, and with the intention of extending the principle, as it might become proper and necessary, to the clergy of other Christian sects. He was ready to admit, also, that he agreed with the hon. Member, that there ought to be some alteration made in the College charter, so as to destroy the differences now existing on religious accounts. While he had held the seals of office he had suspended the operation of that charter, having it in contemplation to entirely abolish that distinction, and which he certainly should have done had he continued in place. With respect to the Clergy Reserves, it was his opinion that

they ought to be the property of the State. He had taken no measures, however, towards carrying that opinion into effect, because Acts had already been passed which permitted some portions of these lands to be sold, and as that portion had not been wholly disposed of, there was no occasion for him, of course, to come to Parliament to authorize the sale of other portions. It was at all times his intention to get rid of that part of the Constitution established for Canada in 1791, by which a seventh part of the land was set apart for the Church, because that Church was unable to bring it into cultivation itself, or of letting it to tenants in a country where the object of every man was to be a landed proprietor. The land, therefore, was wholly inefficient for the purposes for which it was granted; further, it became a great and most inconvenient impediment to the progressive improvement of the country, and because the system of giving a large and exclusive endowment to a particular Church was impracticable in those provinces where there were so many and such various sects, and where, in consequence, a spirit of envy and jealousy existed, which went on continually increasing, and which would, no doubt, be ultimately very injurious to the interests of the Church of England. He hoped this explanation would satisfy the House that there was no want of liberal views in the late Government with respect to any of the topics to which the hon. member for Middlesex had called his attention, or that were comprehended in the petition which he had presented.

Mr. George Robinson said, there could be no question but that it was highly impolitic to have a dominant Church in any colony, and the more so when the members of that Church formed the minority. The disproportion between the Established Church and the Roman Catholics and Dissenters in Canada was very great, and was every day increasing against the former by the stream of emigration which annually poured into Upper Canada from Ireland and Scotland. The impolicy of any political distinctions on account of religion was the greater when it was known, that Canada adjoined the United States, where no such distinctions were made. Considering the stream of emigration which was constantly flowing from these countries to the colony, it was a matter of very grave and serious importance to prevent these colonies from becoming a

assage for our redundant population of the United States. At present, in consequence of the disabilities under which the colonies were labouring, the strongest arguments were held out to emigrants to come to these States. He would suggest that Government should give up the reserves, which, without being available to the clergy to any great extent, were only to the cultivation and improvement of the country. It might afterwards be the subject of consideration what provision could be made for the clergy. As the propriety of leaving every sect to care of its own Church, he would not be in opinion at present; it was undoubtedly a question of much difficulty, but as he himself been in colonies where the different sects lived in the utmost harmony, he would be disposed to consider it unwise to give a dominant power to one sect which was likely to disturb that harmony.

The House had a proof of this in that unhappy country, Ireland. He then pleased to hear the right hon. Member (Sir George Murray) repeat the opinions which all who knew him were convinced he entertained with regard to the colonies.

*Hume* in moving the petition before, apologized to the House for having omitted to mention, that the petitioners considered themselves the best qualified to what was to be done with the reserves, and they prayed they might be allowed to make such arrangements as they thought proper with regard to the reserves.

tion to be printed.

**BANKRUPTCY COURT BILL — COM-  
MITTEE—SECOND DAY.]** The Attorney-  
General moved the Order of the Day for  
the House again resolving itself into a  
Committee on this Bill.

*Freshfield* would take the opportunity of making a suggestion to the noble Lord which might have the effect of removing any further objections to the proposal of the Bill at present. He could not say that the noble Lord that he made no objection to the measure from any party; on the contrary, he concurred in the principle of the measure, and thought it would introduce a much better system than at present existing, but there were many parts of the detail to which he did not object; what, however, he would suggest to the noble Lord was, that he should fix the

time for carrying the Bill into operation for a late period; he would say June next; that in the interim they might have an opportunity of considering its provisions, and, if necessary, of introducing a measure for further improving them.

Lord *Althorp* observed, in reply to the hon. Member, that it seemed extremely desirable, to those better informed on the subject than he was, that the Bill should come into operation in the beginning of the year. If it did not come into operation in January, 1832, it would postpone, most probably, the Bill till 1833, although all admitted the defectiveness of the present system, and that those defects called loudly and promptly for remedy. All admitted, too, that the Bill would remedy many of the evils of the system. It was probable, however, that there might be improvements suggested, and amendments hereafter made; yet the passing of the Bill now, to take effect in January, 1832, would be no greater impediment to those amendments than passing it with a clause not to take effect until June, 1832. It would, he was informed, too, be highly inconvenient that the Bill should come into operation in the middle of the year. As all were of opinion that it was highly desirable the improvements introduced by the Bill should take place, he should press the clause for giving the Bill effect in the commencement of 1832.

Sir *Charles Wetherell* said, the proposition made by his hon. friend was a most reasonable one, and he was surprised at the disposition of Ministers to press a very important measure through its stages when the patronage of the Lord Chancellor the nomination of all the registrars and assignees, was to take place immediately, while the Bill was not to come into operation until January next. These new offices embraced situations with salaries amounting to 26,000*l.* a-year, and those appointed to them would derive a right to rating for superannuation and salary, from the moment of passing the Bill. He understood that the noble and learned Lord had this very day, from the Woolsack, repudiated the charge of being a second Cardinal Wolsey; he repeated, however, with such a Bill as this in his hand, he had every claim to the title.

The *Attorney General* would not, in this stage, anticipate the objections which ought to be made regularly in the Committee, further than by assuring the House,

that the great recommendation of the Bill, next to the speedy administration of justice in this branch of the law, was the great saving which it would effect to the public. When they came, in Committee, to the clause as to superannuation and salaries of officers, he should distinctly show that the noble Lord at the head of the Chancery Court had not aimed at, nor would he obtain, the extent of patronage it was alleged he required or sought under the Bill, as, in point of fact, the salaries of the officers alluded to under the provisions of the Bill would not commence until January next.

Mr. *Hume* said, he most strongly objected to the superannuation clause. It was a departure from the pledge of Ministers, so distinctly given, that they would retrench all unnecessary expense. Here were officers—the Secretary, for example, with not less than 1,200*l.* a-year to be appointed—why should they not insure their lives, as in other departments of the public service, for the benefit of their families, if families they had? It looked too much like a job. Divided as persons in that House were into parties in politics, and having, of course, adherents and friends and relatives, and even predilections for those with whom the leaders of parties there generally acted, it could not but be looked on with suspicion, that these appointments in favour of the friends of the present Ministry, should be taken out of the general rule laid down as to superannuation of public officers. If, next year, they should pass a bill to limit and restrain the superannuation system, it would seem more than ordinarily suspicious that the Ministry should have availed themselves of this short interval, before the passing of such a bill of retrenchment, to put their nominees out of the reach of the general measure already anticipated. In the United States there were no retiring allowances, and the same system ought to be adopted here. The public ought not to be saddled with such a burthen. He wholly disapproved of the system, as well as the plan for pensioning off the present Commissioners. They had been amply remunerated for their services, and they had a profession from which they ought to derive an income. They had also been paid fees for their attendance, and they might as well be called on to give a retiring allowance to a physician when his patient died, as

superannuation allowances to these Commissioners. Persons who served the public should be fairly and liberally paid, but their salaries ought to continue no longer than they fulfilled the duties of their office. At the present moment the country had to pay seven millions annually for retired military and naval pensions, and more than a million a-year to persons who had held civil situations. These sums had increased a million and a half since the conclusion of the war. The Committee which had sat for the purpose of looking into the amounts of salaries had recommended, that for the future no civil officer should be entitled to a retired allowance, and the absurdity of the system to be established by this Bill would be manifest when it was considered that a half-pay lieutenant-colonel or captain, after twenty years hard service, received perhaps about 150*l.* per annum, while those Commissioners, whose services had been amply remunerated were to be entitled, after one year's attendance in this Court, to a retiring pension of 200*l.* a-year.

Lord *Althorp* said, that the provisions referred to by the hon. member for Middlesex were not essential to the principle of the Bill, and the proper time to discuss them was in the Committee. It was obvious that judicial officers must stand upon a different footing with regard to superannuation allowances from other civil officers. If the Judges were not allowed a retiring pension, they would remain in office beyond the age at which they ought to retire. He should be sorry that anything in the Bill should be taken as a precedent affecting the general question of superannuation. With respect to several of the offices connected with the Court, he was ready to admit the same rule ought to be applied to them as to other offices, but in general he agreed with the hon. Member, that the present system of superannuation was a great grievance.

Mr. *Hunt* said, this Bill did not look as if the noble Lord were following out his own principles. He had understood that it was the boast of the present Ministers, that they proposed to carry on the Government without the aid of patronage.

Lord *Althorp* observed, that he had only said the Government would do as much as possible without patronage, for he was satisfied that it was a greater evil than good. He trusted the House did not

believe they were making a change in a Court of Justice for the purpose of acquiring patronage. If any persons did think so, he would recommend them to look at the provisions of the Bill, and they would find patronage would be diminished by it. Certainly, however, he was of opinion that in all cases where appointments were necessary they ought to be filled up by Government.

Mr. *Hunt* said, the noble Lord had expressed nearly the same opinion as he had understood him to entertain, viz. that the Government was not to be carried on by means of patronage; but this Bill, notwithstanding, would give a pretty tolerable share to one of the members of the Cabinet. He must complain of the haste with which the Bill had been pushed forward, for which he could understand no other reason than that there were fifty new places to be at the disposal of the Lord Chancellor. He regretted, however, to hear the noble and learned Lord compared to Cardinal Wolsey. He did not believe him to be so rapacious of patronage and personal emolument as that person undoubtedly was, if history told the truth.

Mr. *Daniel Whittle Harvey* said, it appeared from the objections made to the present measure, and to the change of system in the Bankruptcy Court, as if this were the first time when anything had been said against the mode of administering that branch of the law. The nature of the opposition that had been manifested must produce an effect upon the public mind. One of the chief arguments that had been urged against this Bill, and the only objection that the hon. member for Preston stated against it, was, that it would give great patronage to the present Lord Chancellor. But if the measure was good and just in itself, the argument respecting patronage ought not to be regarded. To no person could the disposal of the appointments created by this Bill with more propriety be intrusted than to the Lord Chancellor for the time being. Indeed, the stoutest opponent of the Bill would not wish the patronage of judicial offices to be placed in other hands than in those of the head of the law. If an improper use was made of the patronage intrusted to that high office, the holder was amenable to the laws of the country, and the jealousy with which this House and the public always regarded any matter connected with the administration

of justice, would at once prevent such an abuse of authority as hon. Gentlemen opposite seemed to anticipate. If anything of the sort were to happen, it would immediately be brought under the attention of the Legislature. It had been said, that this Bill was hurried through the House in an improper manner, and without due discussion. But, surely the House must recollect how often this subject had been brought under its attention, and how many complaints had been made from all the great commercial places in the kingdom, of the manner in which the Bankrupt-law had been administered. He would recommend the hon. member for Preston, who did not appear to be very well acquainted with the defects of the present system, to spend a little time in reading some of the petitions that had been presented to this House on the subject, and also some of the reports of the Committees that had been appointed to inquire into the matter. In 1818, a Committee was appointed to inquire into the subject, and that Committee, after receiving the evidence of the most eminent lawyers, experienced solicitors, extensive merchants, and respectable traders, who all concurred in condemning the present system, presented a report to the House, and this Bill was the very measure, in substance and spirit, which that Committee recommended to be adopted. Upwards of fifty witnesses were examined upon that occasion, and no person who would take the trouble to refer to these names would say that all these respectable persons were actuated by party feelings. Three of the most eminent practitioners in that Court, namely, Mr. Cullen, Mr. Montagu, and the present Lord Henley, all joined in condemning its constitution, and they agreed that it was impossible to speak in too strong terms of the mode in which business was transacted in that Court. The present Bill was, in letter and in spirit, in perfect accordance with the recommendation of the Committee, and more especially the mode of forming the Court of Review, which had been so much condemned by hon. Members opposite. He would not take up the time of the House at present, nor do anything calculated to impede their getting into Committee, but if an opportunity had been afforded him at an earlier period, and the hon. and learned member for Boroughbridge had spared him one of the many

hours during which he had occupied the time of the House, he would have endeavoured to shew the absolute necessity of such a measure as the present, as also the probability that it would work extremely well, and that, at all events, the experiment should have a fair trial.

Mr. Pollock said, that the Bill before the House would, in his opinion, provide a good and efficient Court, in the place of the present defective and most inefficient system—substitute despatch for delay, and economy for extravagance. That was not a hasty and ill-advised opinion, for he had given the subject all the consideration in his power. He had had repeated opportunities of forming a judgment on this subject during the course of his experience—and he might, perhaps, be allowed to add, that he believed, with the exception of Mr. Cullen, and his hon. and learned friend opposite (Mr. Serjeant Wilde) he had had more experience of this Court than any member of the profession. From a very early period of his career he was accustomed to attend the Court of the Commissioners of Bankrupts day after day, and year after year, and he agreed in the conclusion arrived at by his hon. and learned friend, that it was the very worst tribunal in existence for the administration of justice. But in making that observation he felt bound to state, that more honourable and upright men did not exist than many of the present Commissioners. He had the happiness of living on terms of intimacy with many of those Gentlemen: the defects that he complained of arose from the very constitution of this Court. Some of the Commissioners never came near it, and he knew one List before which he had repeatedly been engaged, in which one of the Commissioners did not attend for fourteen years. On investigation it would be found, that never more than one half of the Commissioners attended. It often happened that, after the proceedings had commenced, one of the Commissioners would want to go away, either out of town for pleasure, or on business to some other Court in which he was engaged—in short, the system was so defective, that no time ought to be lost in improving it. It was said, “Why not wait until next year?” but he contended, that the Legislature would be culpable in procrastinating the removal of acknowledged defects in a most important part of the administration of the law. With reference to the want of economy charged

against the present measure, he would say one word; and he assured the House that he would not take up much time in the few observations which he felt desirous of making. He did not think that any charge need be made on the public for the maintenance of the new Court, for there were different sources of revenue already existing which might be applied to that purpose. First of all there was the undivided surplus of estates which had come under the cognizance of the Bankrupt Court; and secondly, there were the unclaimed dividends, which amounted to an exceedingly large sum. He knew that, in the course of fifteen or twenty years, unclaimed dividends to no less an amount than 2,000,000*l.* had been collected, and he was convinced that many millions remained yet uncollected. These revenues would be found more than sufficient to pay all the expenses of the new Court. Several hon. Members who had addressed the House on this subject had thought proper to disclaim being influenced by party considerations. He considered that any such disclaimer was entirely uncalled for. This was no party question; at least, he knew that the noble and learned Lord who presided in the Court of Chancery did not consider it so; for he had, during the preparation of the measure, consulted every person, no matter what his politics might be, who could communicate valuable information, or make useful suggestions. A great deal had been said with respect to the patronage which would be created by this Bill; but those hon. Members who objected to the Bill on the score of its increasing the patronage of the Lord Chancellor, should consider, that when a new Court was established it was necessary to appoint Judges to that Court; and therefore patronage must be vested somewhere. Now, who was the most fit person to have the disposal of those appointments? He had no hesitation in saying, that looking to the character of the noble individual who now held the Great Seal, there was no person to whom that patronage could be more safely intrusted than to that noble and learned Lord; and the appointments which, it was whispered, were already intended, reflected the greatest credit on his judgment. Knowing, from experience, that the present system was most defective, and being of opinion that the proposed change would have a most advantageous operation, he did hope that no unnecessary

delay would be thrown in the way of the passing of the Bill. He thought there could be no doubt that in the details of the Bill economy had been consulted; and the creditors would be greatly benefitted by its being carried into effect.

Mr. John Wood said, that an hon. and learned Member (Sir Charles Wetherell) had designated this measure as a gross job, which stunk in the nostrils. He wished to know whether the hon. and learned Member likewise considered the conduct of Lords Thurlow and Eldon stunk in the nostrils? Lord Thurlow had given to his nephew two offices worth 12,000*l.* a year, the reversion of which offices had been secured by Lord Eldon for his son. This was part of the patronage which the present Lord Chancellor meant to cut off, and yet the time of the House had been wasted for five or six nights in discussing the expense of the new system, which would not exceed 26,000*l.*

Sir John Newport considered, that the Bill would remedy the evils of the present system in the most economical and efficient manner. There was one clause in the Bill, relating to official assignees, upon which he wished to address a few words to the House, but he thought the most proper time for so doing would be in Committee. He considered it unfair towards the Speaker, who was oppressed with business, to keep him in the Chair to listen to debates which ought regularly to be entered upon in Committee. With respect to official assignees, he would at present only say, that he knew, from his own experience as a commercial man, that the great grievance of the present system was, the want of official assignees.

Mr. Alderman Waithman said, he had considerable experience in subjects of this nature, and when the matter had been formerly before the House he had suggested alterations in some degree similar to what were contained in that Bill. He knew that the present system was very inefficient, and he considered that the proposed Bill would effect a most beneficial change. He did not mean to say, that it would not be found, after some time, to require alteration, but he thought that it was, upon the whole, a most excellent measure.

Mr. Praed said, that if any discussions had been introduced merely for the purpose of protracting the passing of the Bill, he certainly had not been a party to them. He was very sorry that the proposition which

had been made by an hon. and learned Gentleman near him, which would have had the effect of shortening the time spent in debate, had not been agreed to by the noble Lord. That proposition was, to let the Bill be passed, but not to allow it to come into operation until June next, and in the mean time an opportunity would be afforded of making inquiries, and any alterations that might be thought desirable might be made. The Bill had not been brought under the attention of the House of Commons at a time when proper consideration could be given to it, and when an investigation of the subject, in all its details, could take place. The hon. member for Colchester observed, that this was not a new measure, for it was founded on the recommendations contained in the various Reports of the Committee up-stairs; but he would beg him to recollect, that a considerable portion of the Members of the present House were not Members of the Parliament in which those Reports were made; but the House was almost entirely constituted of a different set of individuals. He knew that a Court of Appeal, formed of the Commissioners, had repeatedly been recommended, but this was very different from having an entirely new constituted Court. His hon. and learned friend said, that the objection to the Bill coming into operation in January, would apply to any time, and that it might as well be postponed to an indefinite period as to be deferred to June. He was called, by the courtesy of the House, learned, though his professional experience had been extremely small, and yet the noble Lord, certainly with not more professional experience, said that he could not consent to postpone the operation of this Bill beyond January next, as it would lead to great inconvenience. He (Mr. Praed) had not heard any positive inconvenience pointed out, which could result from postponing the operation of the Bill from January to June. He would not now go into the question of the official assignees, upon which point he entertained strong objections, but should defer what he had to say on the subject for the Committee. With respect to the imputations that had been cast upon the Lord Chancellor, he must disclaim having any participation in them. He was old enough to know that the imputation of being actuated by unworthy motives would be cast upon those who took an active part in political matters;



and he certainly was not disposed to impute either the motives he had heard assigned to Lord Brougham, or to interpret the conduct of the noble and learned Lord in the way it had been, as a difference in political sentiments was not, in his opinion, a sufficient excuse to attack the character of a man. Lord Brougham was a man of great talent; and supposing that he were not actuated by a desire to do good and serve his country, yet his high ambition would preserve him from the influence of such considerations as he was sorry to hear imputed to that noble Lord. He certainly did not agree in the political opinions of the noble and learned Lord in question, for he had had a chief part in framing a measure which, in his opinion, was an organ which would lead to other steps ending in the destruction of the Constitution of the country. He did not think that any man, under the circumstances in which Lord Brougham was placed, would be actuated by such motives, and still less did he entertain such an opinion of that noble and learned Lord.

The House went into Committee—Mr. Bernal in the Chair.

On the clause being read, enacting, "that the said Judges, or any three of them, shall and may form a Court of Review, &c,"

Sir Charles Wetherell rose to defend himself from the attack which had been made on him by the hon. and learned member for Preston (Mr. John Wood). The hon. Member had thought proper to criticise his (Sir Charles Wetherell's) vocabulary, and had found particular fault with him because he had said, that the patronage granted by this Bill "stunk in his nostrils." Now when he used that phrase he had distinctly stated, that he would not have used so strong an expression, if Lord Brougham, when a Member of that House, had not given utterance to it. He still objected to the extent of patronage provided by this Bill. Not with respect to any pecuniary advantage that might accrue from it—nothing he had said had the most distant approximation to such a dirty, paltry, miserable idea; but because that patronage might be made the source of political influence. A more unfounded charge than that levelled at him by the hon. member for Preston never was advanced against any one. He wondered how such an idea could enter into, he would not say, the muddy head of any

man, but he would say, that the head of that man must be very thick, and his understanding very groggy, who could suppose that when he (Sir Charles Wetherell) alluded to political patronage, he was insinuating, that in the framing of this Bill any individual was actuated by the dirty motive of putting emolument into his own pocket. He thus thought that he had removed himself out of the unjust and uncandid atmosphere of the hon. member for Preston—an atmosphere which he did not wish to breathe. He had thus fairly met the hon. member for Preston, and hurled back his dirty insinuations. As to the retiring pension to the Chief Justice, he did not object to it; but would the House give retiring pensions to the Puisne Judges? Assuming, then, that a pension should be given to the Chief Justice, though not to the subordinate Judges, nor to the officers of the Court, he would beg leave to notice what had fallen from the hon. member for Colchester, who told the House that he was a fortnight waiting for an opportunity to deliver his sentiments upon this Bill, and now that it had been given, it did not enable the House to arrive at any very distinct or satisfactory result; for he had not touched any one of the considerations which were of importance in the decision of a question of this nature. The matter in dispute between the Members on this side of the House and the hon. Gentlemen opposite was, not the existence of the evils complained of, but the best mode of remedying those evils. The chief difference between them was, respecting the intermediate Court, or rather the construction of that Court; and upon that subject the worthy Alderman, who had already taken a part in these discussions, had said, that there were many defects which ought to be remedied; and so there were in this Act many defects which must be remedied before it could be rendered useful to the community, or in any respect promotive of the ends of justice. In the whole course of these discussions there was not one hon. Member who had not thought proper to make him a subject of animadversion—some had found fault with his arguments, others with his language—one objected to his vocabulary as vulgar, and others complained of his statements as exaggerated; but he consoled himself by the reflection, that he endured this in common with all those who had ever maintained the opinions of the minority,

It was not long since, owing to an accident which left him in that place almost alone, he had as many as six or seven speakers to reply to, supported as those speakers were by a host of cheerers. He was somewhat in the situation of his poor friend Lord Londonderry, who was pelted by half-a-dozen at a time. Being now in Committee, he was in a situation to meet his adversaries—adversaries upon whom he never turned his back, if they were ever so formidable, and the Ministerial cheers by which they were supported ever so loud. The importance he and his party attached to the creation of patronage which would take place under this Bill, had been made a subject of ridicule, in the House and elsewhere; but let it be recollected, that their objection to that patronage did not rest upon any probable use to be made of it by the present Lord Chancellor, and, therefore, the answer that had been given to this argument met no one of their objections. The answer which their adversaries gave was, that Lord Brougham had said, “With respect to the patronage, do not let that be any obstacle; I am perfectly willing to give it up.” But there were far other grounds upon which they opposed this Bill, and far other exceptions which they took to it, though the organs of Ministerial opinion were pleased to say that they urged these objections, not from conviction, or a sense of public duty, but from a desire to gain time till circumstances should prove more favourable to their views. They were, in fact, accused by the Press of speaking against time. Such was the miserable organ to which their opponents were compelled to have recourse—an organ that would, whenever permitted, issue ukases as violent and as tyrannical as those which were obeyed upon the banks of the Volga or the Don; and for disregard of these ukases, they (the Opposition) were proscribed—they were told by this organ that they were guilty of a waste of time. The more this Bill was examined, and the more frequent and repeated the attempts were to expose its faults and imperfections, the more evident must it be to the independent Members of that House, that the present was not a factious opposition—notwithstanding his hon. and learned friend, the Attorney-General, seemed to say as much—and although he did so in the quaint and polite manner peculiar to him, still the accusation amounted to something of that sort.

Notwithstanding all this, they proceeded—notwithstanding all this, they gained ground every day. The hon. member for Buckinghamshire admitted that a good many alterations ought to be made, and the hon. member for London made a similar admission. If the principle of giving the retiring Judge a pension were confined to the Chief Justice, he should not object to it, but even in this case a matter so purely experimental ought not to be allowed to accumulate upon the public so enormous an expense. He had an amendment to propose to that clause under which the Court of Review was to be appointed; but he should, of course, postpone submitting that amendment to the consideration of the Committee, until they had arrived at that particular clause.

Clause agreed to.

The next clause enacted, “That all such matters to be heard and determined in the said Court of Review shall be brought on by way of petition, motion, or special case, according to the rules and regulations to be established, as hereinafter provided, subject to an appeal to the Lord Chancellor on matters of law and equity, or on the refusal or admission of evidence only, &c.”

Sir Charles Wetherell said, that this clause spoke of rules and regulations to be “hereafter established,” by which matters to be heard and determined in this new Court should be brought on. He should be glad to know something of these rules and regulations. Here was a Bill going through the House in October, 1831, which was to come into effect in January, 1832, and yet the rules and regulations by which its proceeding were to be governed in certain cases were to be “hereafter established.” Now, if he were to divide the Committee on this point, he should, no doubt, be assailed by the gipsy-jargon of the day, and told that he was taking a factious part. The present Bill, he must say, was the most crude heap of non-existent legislation that he had ever seen.

Sir John Newport contended, that the Bill did contain that provision which the hon. and learned Gentleman complained of as having been omitted. If individuals would look carefully to the clauses of the Bill, they would not fall into such errors, and much time would, in consequence, be saved. In page 4, there was a clause which completely met the hon. and learned

Gentleman's objection. It was there enacted, "That the Judges of the said Court of Review, with the consent of the Lord Chancellor, shall have power from time to time to make general rules and orders for regulating the practice of the said Court of Bankruptcy, the sitting of the Judges and Commissioners thereof, and the conduct of the practitioners therein." What could be more plain than this? The enactment proceeded on the principle acted upon in every Court in this country, each of which had a right to frame rules and regulations for its government.

Sir Charles Wetherell said, his objection was, that the present measure went to overturn an old system of practice, without giving them any insight as to what the new practice was to be.

The *Solicitor General* said, that the object of the clause was, to allow parties to proceed by motion and by special case, as well as by petition. He was surprised at the objection of his hon. and learned friend, because no one knew better than his hon. and learned friend the inconveniences which resulted from the present jurisdiction.

Mr. Warburton had already stated, that if he were compelled to choose between the present system and this Bill, he should prefer the Bill, defective as it was. He could not, however, help perceiving, that there was flowing a tide of improvement, which would carry away all the defects of the existing system, and he must therefore object to so defective a measure as the present. He could not understand the necessity for this series of appeals—this cascade of appeals—which came so rapidly upon each other, that if the frail bark should escape one or two, and ride for a time in smooth water, yet still it must perish before it cleared the last. Why was not one man of pre-eminent abilities, and with a good salary, placed at the head of the Court, and the ultimate appeal made to him? The hon. Member then read several extracts from evidence of Sir Samuel Romilly, Mr Horne (the present *Solicitor General*), and Mr. Cooke; all of which, the hon. Member said, justified him in contending, that there would be no necessity for an appeal to the Chancellor, if a Judge of the first abilities were selected to preside over the Court. He valued but as dust the uniformity of decisions which had been so much lauded. Let them reduce their laws to writing; let them bring

their laws together into a code, and all the arguments respecting uniformity of decisions would fall to the ground.

The *Solicitor General* said, that he had never given any general opinion upon bankruptcy. He was asked to go before the Chancery Commissioners, and he went. The Commissioners put questions in a set form of words, and he was obliged to frame his answers to that form. Surely those answers could not be taken as his opinion upon bankruptcy. If the Commissioners had asked him for his opinion respecting the bankruptcy jurisdiction, he should have stated what he thought the best plan of ameliorating it, and not have contented himself with an opinion, with reasons, or with the exposure of faults, without the suggestion of what he considered remedies for those faults.

Mr. Godson said, it was evident that the hon. member for Bridport (Mr. Warburton) did not understand the appellate jurisdiction created by the Bill. The general objections to appeals did not apply to the appeal given by this Bill, for it would be accompanied neither by the delays nor the expenses which usually attended appeals. The facts would be settled by the Court below, and the appeal would only be made on a matter of law. The Chancellor, therefore, would have, in fact, merely to perform the part of a Court of Error.

Mr. Serjeant Wilde was convinced, that if the hon. Member (Mr. Warburton) opposite would give his attention to the nature of this appellate jurisdiction, the hon. Member would see that his objections to it had no foundation whatsoever. There was no other way of guarding against the mischiefs of conflicting decisions than to promote such an appeal as would ensure uniformity of decision. The hon. Member (Mr. Warburton) had said, that he valued uniformity of decision but as dust, for he wanted a code. This was a very extraordinary position. Take an Act of Parliament—there was the hon. Member's code for him at once. But how did the hon. Member become the better off by means of a code, since Courts would act upon the construction of the Act of Parliament—upon the construction of the code—and upon nothing else? Now the advantage of this appellate jurisdiction was this—it would lessen the expense and the delay of the present system. At present, ninety-nine out of every hundred appeals, were

appeals as to the facts, and not as to law, and the enormous delay and expense of such appeals were notorious. Appeals as to facts were positively ruinous, but as to law they were not attended with much expense, and were decided speedily. The authorities which the hon. Member (Mr. Warburton) had quoted related to appeals as to facts. Sir Samuel Romilly was neither so unlearned nor so inexperienced as to be unaware of the distinction between these two classes of appeals; and it was to appeals as to facts, and to those appeals only, that Sir Samuel Romilly and the other authorities cited, referred. But the appeal given by this Bill was an appeal upon the law, not upon the facts of the case. No disputed fact was ever placed in a special case; special cases were usually contained in three brief-sheets: they involved matters of law only, and in the Courts in which he practised, not more than one counsel was usually heard on each side. Such would be the nature of the appeal to the Lord Chancellor under this Bill: whereas the appeals under the existing system, stated all the facts and the disputes upon them, and not unfrequently occupied upwards of 1,000 brief-sheets. He would venture to say, that the appeal given by this Bill was given in a more economical, a more speedy, and a more efficient manner than the ingenuity of man had ever before devised. Among all the objections which had been urged against this Bill, that which had surprised him most was, the objection of his hon. and learned friend (Sir Charles Wetherell), that the Judges to be appointed under it were to be appointed forthwith. Now if a Court were appointed for new purposes, there would be no great inconvenience, perhaps, in naming the Judges the very day before they were to enter upon the discharge of their duties, because business would come but slowly to such a Court, and the Judges would have time to make their rules as occasions for those rules presented themselves. The Bankruptcy Court, however, would take up every Commission in existence, and would be not only full, but more than full of business by the 11th of January, the day from which the Act was to take effect. When, he would ask, if the Judges were not to be appointed forthwith, were the rules for the Court to be made? If his hon. and learned friend's suggestion were to be attended to, the Judges would be

introduced to each other for the first time upon taking their seats in the Court, when they would have to enter upon the immediate discharge of their duties, without having had an opportunity of consulting with each other and settling the rules by which the proceedings of that Court were to be regulated.

Mr. *Burge* could only account for the speech of his hon. and learned friend, on the supposition that he presumed hon. Members on that side of the House were blind to the evils of the present system of Bankrupt Laws, and therefore conceived no remedy to be necessary. If his hon. friend thought so, he misconceived their opinions. They felt and admitted, that there were evils in the present system, but they did not consider the present Bill the proper remedy for those evils. He decidedly thought, that a part of the expensive system of the new Court was not required. With respect to the additional patronage that would accrue to the Lord Chancellor, he saw nothing whatever objectionable in it, provided it could be shown, that the Courts and officers in which it would originate were essential or necessary to the public interests. In answer to what his learned friend had stated as to the beneficial result of *virâ voce* examinations, he begged to refer to the Bill itself; the latter part of which left open the power of calling for affidavits as much as for oral testimony. In addition to these and other objections, he also thought, that the Judges' salaries were insufficient to lead eminent men to give up their practice and the prospect of advancement to other judicial appointments.

Mr. *Paget* said, that while he admired the able speech of the hon. and learned Member (Mr. Serjeant Wilde) he must, at the same time, say, that the terror felt by commercial men at the ruinous delay in the proceeding in bankruptcy would not be lessened by the present measure. Such would be the result of the additional appeals. For his part he could see no utility in appealing to the Chancellor, and much less to the House of Lords. As the source of fear to commercial men, next to the delay and expense of the law, came its uncertainty, and this would be augmented by the number of Judges. If a single Judge had been appointed in the new Court as the ultimate Judge of Appeal, he should have deemed the measure a great benefit to the country. One Judge,

in his opinion, would be preferable to four—would have given more uniformity to the law, and better satisfied suitors. After thirty years' experience in business he had found the expenses incidental to the present system so enormous, that he believed even this Bill, bad as it was, would be a great relief to the community. In these days, however, of improvement, he trusted that they would see a little more of the philosophy of law introduced into practical legislation.

Mr. *Freshfield* said, that three appeals would be unnecessary on the grounds upon which the hon. and learned Serjeant founded his argument, for he was inaccurate in his data. This was also the case with the hon. and learned member for St. Alban's (Mr. Godson), in saying that there were two appeals in every case, and that, therefore, they must be continued. He had stated, that an appeal would be first to the Exchequer, and then to the House of Lords. In this instance, the hon. and learned Member was in error; he, therefore wished the House not to seek for imaginary reasons to support the appeals on this Bill.

Mr. *Warburton* moved *pro forma*, as he stated it was not his intention to divide the Committee, to leave out all the words of the clause after the word "provided," in the fourth line of the clause.

Sir *Charles Wetherell* expressed his satisfaction, that the factious part of the House had received such a useful reinforcement in the two hon. members for Bridport and Leicestershire. He contended, that the prevailing evils in the Bankruptcy Courts would not be removed by the Bill. It was an experimental Bill: there had been no inquiry, no Committee, as there ought to have been. The Bill laid down no rules, established no practice, and would be inefficacious. He agreed with the two hon. Members alluded to, in thinking that there ought to be a superior Judge of Appeal; but he thought that Judge should be the Lord Chancellor or the Vice-chancellor, while those hon. Members thought he should be a separate Judge.

Amendment negatived without a division—the Clause agreed to.

On the question, that the clause relating to costs in the Court of Review stand part of the Bill,

Mr. *Warburton* said, he saw no provision in the Bill for the due investigation

of long and complicated accounts; some regulation and provision for the due examination and settlement of such ought, undoubtedly, to be made.

The *Solicitor General* observed, in reply to the hon. Gentleman, that it was a part of the duty of the official assignees to take such matters under their superintendence, and if he would refer to the Bill, he would find the case he put was specially provided for.

Mr. *Warburton* said, it was perfectly notorious, that by the existing system one set of creditors endeavoured to prevent another from proving their debts, for the purpose of excluding them from voting for assignees. This frequently gave rise to great disputes and very considerable inconvenience and expense among the creditors with respect to the appointment of assignees, and this made it positively necessary that a special provision should be made for the examination of long complicated, and perhaps disputed accounts.

Sir *Charles Wetherell* quite agreed with the principle laid down by the hon. Gentleman, that accounts should be investigated without reference to strict and technical rules. The great fault of the Bill was, that it proposed to remove existing abuses, but provided no specific remedy for them. He apprehended the mode of proceeding with long and complicated accounts would be, that the single Commissioner would refer them to the three Commissioners, and they would refer them to the Assignees or somebody else for revision and settlement, and this would be the result of this economical and, as it was called, save-all Bill, even in the first stage of its progress.

The *Attorney General* said, there would be a special arbitrator appointed to decide upon all disputed accounts, and, therefore, he thought such an officer, who, he had no doubt, would do his duty, would fully meet the objection taken by the hon. member for Bridport. Such accounts would be settled by the strict and technical rule of evidence.

Mr. *John Campbell* thought the Bill contained a sufficient provision for the due investigation of the most complicated accounts. The Commissioners would wholly neglect their duty if they held that matters of account were to be decided by a Jury. The only questions really for a Jury to decide in bankruptcy cases would be simple matters of fact, such as whether an act of bankruptcy had been committed,

whether the party was a trader and came within its provisions, and questions in general of that sort. The arbitrator would investigate the accounts, and they would be decided upon oath—according to the rules of plain common sense. The Commissioner would, in the first instance, examine them; if they were complicated he would call in assistance, but all issues to be tried by a Jury would only relate to questions of fact.

Mr. Warburton would take the case as the hon. and learned Gentleman put it, or there could be no doubt, if the Commissioners were authorized to call in assistance, they would do so in almost every case. Indeed, in times of mercantile distress it was impossible they could have time to investigate accounts without further assistance. In the year 1826 there were 0,291 public and private meetings; this would average five meetings a day to each of the six Commissioners, and he thought his duty alone would fully employ them.

Clause to stand part of the Bill.

On the question that the clause relating to Subdivision Courts stand part of the Bill,

Sir Charles Wetherell said, the effect of his clause would be, that a party would have to run the gauntlet through all the Commissioners; he might appeal from one to another until he had run through the whole list.

Mr. John Campbell thought nothing could be more simple than this provision. The Commissioner would decide upon ordinary questions, but if there was any difficulty he had the power to call in assistance. He was surprised, that the hon. and learned Gentleman should disapprove of this clause, when he knew that the great disadvantage of the present system was that three Commissioners must decide, by which much labour and money was thrown away. Besides, the practice was common in the superior Courts to have only one Judge. He frequently made motions before one, when if any question of importance arose, it was postponed by the Judge who presided until his brethren were present. This was the practice in the Court of King's Bench, and it would be followed by the Commissioners appointed under his Bill.

Mr. Warburton was most ready to allow, that ordinary questions being decided by one Commissioner was an improvement but why should he appeal to two others if

the question was important? He could take time for deliberation instead of sheltering his ignorance under a plea of appealing to his fellows. He was afraid the practical effect of this arrangement would be to bring people into the Commission who were unfit for the office.

Sir Charles Wetherell said, the case his hon. friend had put, relating to the practice in the Court of King's Bench, had not the slightest analogy to what would happen under this Bill. Upon such a motion as that made by his learned friend, there was no examination of witnesses, and no inquiry whatever. That case simply was, his hon. friend moved, perhaps, "That judgment be entered for the defendant," to which the Judge answered, "You had better move it when the Court is more full." How could such a case, with any propriety, be said to resemble the case of the Commissioner for Bankrupts, who must go through the whole of the case before him, whether he decided it or not, and who must put in motion the whole functions of a Judge before he could determine whether he would decide the question himself or refer it to others to decide. This part of the Bill was applicable, however, to something else, he meant a certain Cabinet measure, for which the hon. Gentlemen opposite said "We are all responsible alike." The Commissioners, who would form a sort of demi-Cabinet among themselves, would also follow this example, and say, "We will make this a Cabinet measure, and then we shall be all of us equally responsible." By these means this double hearing would be productive of no other results than as a sort of loop-hole through which guilty parties might escape, and would relieve the Judge from individual responsibility. He would not move an Amendment to the clause, for he despaired of carrying it, but he could not let it pass without shewing he had great objections to it.

Mr. Serjeant Wilde said, the operation of the clause would be advantageous in this way that the parties in all cases of difficulty would have three well qualified persons to decide their case instead of one.

Clause to stand part of the Bill.

On the question relating to the appointment of Registrars and Deputy Registrars,

Sir Charles Wetherell said, this clause was to appoint two Registrars at 800*l.* each, and eight Deputy Registrars with

salaries of 600*l.* a-year each. These were pretty handsome allowances certainly, but he hoped to be told what were the duties they would have to perform; for besides these, there was to be a Secretary for Bankrupts with a full establishment of clerks.

The *Attorney General* said, his hon. and learned friend would of course recollect, that it was impossible to have a Bankruptcy Court without Registrars, and while the chief of them attended the Court they must have Deputies to look after the duties of their offices; and as to the expense, this establishment would cost 1,600*l.* a-year less than the present one.

Mr. *Warburton* said, if these Registrars could be made the means of taking down the evidence and proceedings of the Court in short-hand it would save much time; every body knew that whole days were taken up occasionally with putting a few questions.

Sir *Charles Wetherell* said, he agreed with the hon. Gentleman that short-hand writers would be much more useful than such an establishment of Registrars, whose appointment in such numbers he thought a farce if it was not for the purpose of obtaining patronage. He should, therefore, move as an Amendment, that the word "two" as applying to the Registrars be left out, and the word "one" substituted, and, that the word "eight" should be left out as applying to the Deputy Registrars in the clause, and that the word "four" be substituted.

Amendment negatived, and the clause ordered to stand part of the Bill.

On the clause authorizing the Lord Chancellor to issue a fiat in lieu of a Commission,

Mr. *Lefroy* said, it appeared that the fiat might be issued both for London and country Commissions. How was this fiat to be authenticated? The Seal authenticated itself, but that was not the case where only the signature of the individual was attached in London. The hand-writing might be well known, but how could the country Commissioners be sure that it was authentic? and upon the validity of the instrument depended the legality of their whole proceedings. A Commission might be issued at not more expense than a fiat, and was much more easily ascertained to be genuine.

The *Solicitor General* observed, in reply to the hon. and learned Gentleman, that his objection was of no weight whatever.

The most important orders were daily made under the simple signature of the Lord Chancellor.

Clause agreed to.

On the clause providing for the appointment of Country Commissioners and the directing fiats to them.

Mr. *Paget* said, if the appointment of these Commissioners was left entirely to the Chancellor, who ought to be responsible for them, there would be more security for their being proper and respectable persons than if appointed by the Judges of Assize, who must be guided only by hearsay as to the merit and qualities of the persons to be appointed.

The *Attorney General* said, he thought the case would be quite the contrary. The Judges went the circuit, and had the best opportunity of knowing, from actual observation, the merit and capabilities of the persons whom they appointed. That was an advantage that the Chancellor would be wholly destitute of, from his constant residence in town.

Mr. *John Campbell* supported the clause. Nothing could be worse than the present appointments. The Commissioners were mostly country attorneys who played into each other's hands. To show how the present system worked, he would state a fact, the truth of which was perfectly well known to him:—A friend of his, a practitioner at a provincial Bar, was made a Commissioner; a case of bankruptcy occurred, and considerable sums of money were collected from the estate. "Now," said my friend to the attorney, "I think we may have a dividend." "A dividend!" echoed the attorney with great surprise, "let me advise you never to mention the word 'dividend,' or you will not suit us."

Mr. *Burge* objected to the clause that there would be two kinds of jurisdiction established by it. The country Commissioners were not to have the same powers as the London Commissioners. He wished to know if these country Commissioners were to have the power to direct issues?

The *Attorney General* said, if it was desirable issues should be tried in the country, he saw no reason why an amendment to that effect should not be introduced. The object of the clause was only to improve the general practice of such Commissions.

Sir *Charles Wetherell* said, the plain matter of fact was, that out of 1,500 Commissions of bankruptcy annually issued, 500 was the outside of those which

took place in London—so that two-thirds of the bankruptcy cases would never be brought before the new Issue Court as established by this Bill, and he would never consent to an extension of what appeared to him likely to be an absurd and troublesome system.

The *Attorney General* was perfectly ready to admit, that the materials could not be readily found in a country town for the constitution of such a Court as was proposed to be formed in London; neither was it expedient or necessary, for a large proportion of the country bankruptcies were brought to London to be worked, and surely, if every case could not be embraced, that was a very bad reason why the management of other cases should not be improved.

*Sir Charles Wetherell* said, the Bill constituted a new Court, and many of the questions which would be brought before it were matters of right; others were matters of discretion. A larger discretionary power ought to be allowed, or they would find the machinery of this much-lauded Court not competent to deal with the laws that were left.

The *Solicitor General* observed, that the present measure had nothing whatever to do with the Bankrupt-laws themselves, but only related to the administration of them. The whole of the present laws were consolidated about six years ago, by a bill brought in by Mr. Eden. The new machinery, he was free to admit, was not applicable to some of their provisions.

*Mr. Warburton* said, the age of the statute was of very little consequence; the great object of inquiry was, whether the law were good, and, if not, how it could be improved. Many gross errors and faults had been pointed out in the Bankrupt-laws. He would just mention one: the law now was, that if a man became a bankrupt thrice, and his estate, in the second Commission, did not pay 15s. in the pound on the third bankruptcy, the assignees for the second bankruptcy could pounce upon the effects of the third. This operated frequently as an inducement to fraud. He himself had been concerned in a case where this effect took place.

*Sir Charles Wetherell* said, it was a whimsical course to make a new Court before the anomalies and absurdities of the whole of the present system of the Bankrupt-laws were revised and corrected. It

was not at all likely that the machinery would be found to suit the new codes. He had hitherto made no remarks on these laws, but had confined himself to the new Court. When they came to the laws themselves, he feared they would find it a very difficult task to prevent complaints as to their working in particular cases.

Clause agreed to.

On the clause providing that a discretionary power of superseding Commissions should be vested in the Great Seal,

*Sir Charles Wetherell* objected, that such a power should be delegated to the Lord Chancellor. It would be a direct interference with the rules of his Court, as already long since clearly laid down and established by long usage.

The *Solicitor General* replied, that there were sufficient constitutional controls for the prevention of that judicial functionary's improperly enforcing this privilege in any Commission that should come under his cognizance, and the Bill expressly provided, that he should exercise it in no case, except where manifest and valid grounds should be shown for his interference.

*Mr. John Campbell* said, the Chancellor might be impeached in this as well as in other cases if he abused the power given him: all that was done by granting the supersedeas was simply saying, he should have the same authority over the fiat that he had over the Commission.

*Sir Charles Wetherell* said, that by the rules of the Court, and by the usual practice, the Chancellor could only decree A's property to B in certain known cases; but the clause enabled him to supersede a Commission at his good pleasure.

*Mr. Freshfield* observed, that instead of putting the order or fiat upon the same footing as the Commission now stood, this clause was so prodigal in its power, as to allow the Chancellor to do what he pleased with the fiat, regardless of existing rules.

*Mr. Bonham Carter* said, these existing rules were cases in which former Chancellors had, in the exercise of their discretion, come to certain decisions. There were no statute rules.

*Sir Charles Wetherell* said, certainly there were no statute rules, but there was the usage of two centuries; and they now proposed that the Chancellor should wholly dispense with that usage, and decide wholly at his unlimited discretion. He would not, however, press his objection to a division.

Clause carried.



On the clause relating to the appointment of official assignees being read,

Mr. Warburton suggested, that as this and other subsequent clauses might give rise to some discussion, it was advisable that at that advanced hour (half-past two o'clock) the Chairman should report progress, and ask leave to sit again.

Lord Althorp assented to the proposal.

The House resumed—the Committee to sit again the next day.

**ECCLESIASTICAL COURTS CONTEMPT BILL.]** The *Attorney General* moved the Order of the Day for the second reading of this Bill, and said, he hoped to be allowed to read this Bill a second time. He moved that it be then read a second time.

Mr. Ruthven considered the Bill most objectionable, as he understood it was intended to have a retrospective operation. He was so decidedly opposed to it, that, if the hon. and learned Gentleman persisted in his motion, he would divide the House upon it.

The *Attorney General* said, he hoped the hon. Gentleman would not give the House the trouble of dividing, as he would have ample opportunity of discussing the Bill in the Committee, but he must persist in his motion of carrying through the second reading that night.

The House divided:—Ayes 35; Noes 5—Majority 30.

The Bill read a second time.

#### HOUSE OF LORDS, Saturday, October 15, 1831.

**MINUTES.]** Bills received the Royal Assent. Church Buildings; Charity Commissioners; Money Payment of Wages; Barbadoes Importation; Common Law Fees; Employment for Labourers; Customs Fees; Scotch Turnpikes; Pluralities; Special Constables; Galway Franchise; Poor Relief; Public Works (Ireland); Public Hospitals (Ireland); White Boy Act Amendment, and the Arms (Ireland.) Read a second time; Distillation (Ireland.) Read a third time; Valuation of Land (Ireland), and Military Accounts (Ireland.)

Petitions presented. By the Duke of Buccleugh, from the Freeholders of the County of Peebles, not to be united to Selkirkshire, and from the Borough of Selkirk, for an alteration of that district.

**SELECT VESTRIES BILL.]** The Earl of Abingdon presented the Report of the Committee on the Select Vestries Bill.

Viscount Melbourne understood, that the Committee had made the adoption of this Bill in a parish to depend on the votes of two-thirds of the rate-payers. He begged to propose as an Amendment,

that two-thirds of those who actually voted should be inserted, instead of a similar majority of the whole of the rate-payers.

Lord Shelmersdale said, the Committee had considered that two-thirds of the actual voters was not enough to decide such a question.

Viscount Melbourne said, it was the duty of all persons who paid rates to attend the parochial meetings. If they did not attend, then the affairs of the parish ought not to be delayed because of their neglect.

The Earl of Harrowby said, there could be no question but that the Committee thought that two-thirds of the whole number of rate-payers, was the smallest number which could be allowed to decide.

Viscount Melbourne must persist in his Amendment, and he would, therefore, at once move, that the words "all the rate-payers" be left out, and the words "a majority of the votes so given" be inserted in their stead.

The Earl of Harrowby said, he was of opinion there was no meaning in the proposed Amendment. It was quite clear that means would be found to obtain a majority of two-thirds of the voters, and if parishes, upon a majority being procured by any underhand contrivances, once adopted the Bill, the evils which might result would be irremediable, because the harm would be already done. He did not think the noble Viscount had brought forward any grounds to justify such a material alteration.

Viscount Melbourne thought the regulation very absurd as it stood, and as to any fraud or contrivance being practised, the same objection would apply to all meetings of the same nature. He continued of opinion, that the question of adoption or not ought to depend upon a majority of two-thirds of those who attended, and those who did not think proper to come forward and vote ought to be considered as having no interest in the question.

The Earl of Harrowby said, there was this distinction between an adoption of the vestry system, and the generality of matters brought before parish meetings, that the latter were open to future reconsideration, while this could not be; therefore, it was necessary that the manner of deciding on it should be without shadow of suspicion. On these grounds he felt himself called upon to oppose the Amendment proposed by the noble Viscount.

The Lord Chancellor said, he had had

some communications with parties interested in this Bill, and their opinions were so strong against the alteration made in the Committee with regard to substituting two-thirds of the whole rate-payers for two-thirds of those who were actually present, that such persons had even gone so far as to say, that they would rather be without the Bill than accept it clogged with such a condition. He wished, therefore, for further time for consideration, that he might fully ascertain what was the general feeling, and what was likely to be the effects of the measure. He should propose, accordingly, that the matter should stand over until Monday.

The Earl of *Delawarr* had an Amendment which he wished to have introduced, and which he would then mention. It would have for its object the placing the right of voting on the same principle as was adopted in Mr. Sturges Bourne's Act. He thought a regulation of that sort indispensable. His proposal was, that all those who paid under 50*l.* rent should have but one vote, and all those who paid above that sum should have an extra vote for every additional 25*l.* of rent; but to make such further provision, that no person could have more than six votes.

The Lord Chancellor said, the multitude of his avocations had hitherto prevented him from reading this Bill, and he requested, therefore, time to make himself acquainted with it. As the Bill was not yet printed, he thought he could do so if the discussion were postponed for a day or two, and in the mean time the Bill could be printed with the Amendments proposed.

The Earl of *Haddington* agreed with the noble and learned Lord. It was most desirable their Lordships should know all the Amendments to be proposed without delay.

The Duke of *Wellington* said, there appeared a misunderstanding on all sides with regard to the Bill. He had understood the noble Viscount (Viscount Melbourne), who had the management of it, proposed to adopt the principles of Mr. Sturges Bourne's Act, and make them applicable to the metropolitan parishes, as the operation of that Bill was at present confined to the provinces, where it had given general satisfaction. If the Bill was passed, it ought to become the general law instead of leaving it to parishes to adopt it or not.

Viscount Melbourne observed, in reply

to the noble Duke, that he had not pledged himself to adopt the principle of Mr. Sturges Bourne's Act, or to any particular view of the question. His only object was, to make the measure efficient, and he thought the noble Earl's Amendment was likely to impair that efficiency, and, therefore, he should oppose it.

The Earl of *Falmouth* thought, that property should have its due weight in every parish, and, therefore, he was in favour of the principle of Mr. Sturges Bourne's Act. He had had practical experience that it worked well where it had been adopted. With respect to the observations of the noble and learned Lord, that he required time to consider the effects of the proposed Amendment, he thought that could be hardly necessary, because the clause itself was copied from a bill which was introduced by the present Ministers themselves in the last Session of Parliament.

Bill to be re-committed on Monday, and printed with Amendments.

BANKRUPTCY COURT BILL — RETURNS.] The Lord Chancellor, in consequence of certain misrepresentations which had been circulated respecting himself and the Bill which he had introduced into that House for the reform of the administration of the Bankrupt-laws, was induced to move for several returns connected with the subject, the production of which would be the means of disabusing the public mind. He was both astonished and mortified, to find that an attack of a most singular and extraordinary character had been made upon him in a publication, by a learned friend—the venerable father of the Bar, and the father of Law Reform—for whose virtues, talents, and professional acquirements, he had always entertained the respect which they were so justly calculated to excite. As the attack did not ostensibly bear the name of his respected and venerable friend, he would abstain from naming him in that House, although the author was sufficiently indicated by the character, circumstances, and style of the attack, which he could account for only by attributing it to certain prejudices and theories upon the subject which his learned friend entertained. The charge was of a most extraordinary nature, for it was nothing less than that he had brought forward the Bill, and had pressed it through the House, because the effect of it would be, to put an

increase into his (the Lord Chancellor's) pocket of not less than 26,000*l.* a-year. His learned and venerable friend, in his explanation of this view of the subject, had stated, that in a political point of view patronage was of greater value to the Lord Chancellor than money, and that the Bill would be to him an increase of patronage to the extent of 26,000*l.* a-year. Other persons had repeated the charge, without this distinction between the patronage and the money. This charge was utterly unfounded, but it was not more so than another charge which had been made against him. It was asserted, that he had contrived by the Bill to provide for his Secretary a sinecure place, as Secretary of Bankruptcies, of the annual value of about 1,200*l.* This was a total misrepresentation of the case in every particular; for so far from the Bill giving any increase of income to his Secretary, it would actually decrease that person's salary by 1,200*l.* or even 1,300*l.* a-year. The person who would hold the office of Secretary of Bankrupts under the Bill, was now called his (the Lord Chancellor's) Secretary, and he had at the present moment an income of 2,500*l.* a-year, and all the Bill would do in relation to this officer would be, to deprive him of that income, and to substitute a place under another name, the total salary of which would be only 1,200*l.* To this strange perversion of the facts of the case was added, from a very different quarter, another statement equally without foundation. It had been put forth, that there was a strong difference of opinion between him and his noble friend at the head of his Majesty's Councils, with respect to a very material part of the Reform Bill, and this gross misrepresentation had arisen from an inaccurate and garbled statement of what had been said of the measure by him, when he had been addressing the House upon the subject of the Bill. What he had said upon that occasion was, that there was not the slightest difference of opinion upon the question of Reform between him and his noble friend, and he had then distinctly added, that not only was there not, but that there never had been, any such difference between them. This statement had been omitted, and the passage of his speech, from which this sentence had been left out, had been commented upon so as utterly to mislead the public mind on the subject. He would again declare, that there did not exist a

shade of difference of opinion between him and his noble friend upon that great and important measure. It was with a view to refute the serious charges that had been made against him by his venerable and learned friend, that he had risen to move for a return of the salary and emoluments of the Secretary of the Lord Chancellor. When the facts of the case had been so perverted, that a reduction of salary to the extent of 1,300*l.* a-year had been construed into the creation of a place which would increase the salary by 1,200*l.* a year, he almost feared that such erroneous impression proceeded from a source that would be impervious to any discipline which he could apply. The noble and learned Lord concluded by moving for a return "of the annual amount of fees received by the Commissioners of Bankrupt in London, by the Secretary of Bankrupts, by the Patentee in Bankruptcy, and by the Messengers to the Commissioners of Bankrupt, and also the expenses of assignments and bargains and sales; which expenses and several fees are proposed to be abolished by the Bill for establishing a new Court in Bankruptcy; also, an estimate of the establishment to be formed under the Act to establish a Court in Bankruptcy, stating the offices proposed to be created, and the pay of each, with their proposed pensions and retiring allowances, and from what funds to be paid; and also, an account of the expenses of the office of Secretary of Bankrupts upon the average of three years, ending 31st of March, 1830; distinguishing how much on the average was retained by the Secretary for his own use, how much was paid to the Deputy Secretary and each of the Clerks, and how much was applied to pay the general expenses of the office."—Ordered.

GALLERY IN THE HOUSE OF LORDS.]  
The Earl of Shaftesbury presented a Report from the "Library Committee" of the House of Lords, to whom it was referred previously to the Motion for the second reading of the Reform Bill, to ascertain what additional accommodation could be provided in the House, &c. His Lordship read the Report, to the following effect:—

"1. That the galleries already erected in their Lordships' House, pursuant to an Address in September last, to afford seats for all those who might attend on a then approaching Debate, are inconvenient, and

ought to be taken down; that the fire-place in the centre of the wall (on the Ministerial side of the House, and now boarded up), injuriously interferes with the due ventilation of the House, and that the said fire-place ought to be bricked up and closed.

"2. That it is advisable to erect a gallery at the end of the House (namely, over the door below the bar of the House) for the accommodation of strangers under certain restrictions; and that the said gallery ought to be according to a plan handed to the Lords' Committee by Mr. Smirke.

"3. That their Lordships be recommended to move an Address to his Majesty, that he would be pleased to give directions to have the present side galleries taken down, the said centre fire-place closed, and a new gallery raised at the end of the House, in accordance with Mr. Smirke's plan."

The Duke of Cumberland inquired where this gallery was to be erected?

The Earl of Shaftesbury replied, in the vacant space immediately over the principal entrance at the lower end of the House.

The Duke of Cumberland: Is it for Peers?

The Earl of Shaftesbury: For strangers.

The Duke of Richmond added, that the place below the bar, occupied by strangers, would be for the accommodation of Members of the House of Commons.

Lord Ellenborough said, that the introduction of similar alterations had been under the consideration of the former Government, but that the great expense at which they were estimated, namely, 2,500*l.*, prevented their being effected.

The Report of the Committee agreed to, and on the Motion of the Earl of Shaftesbury, an Address was ordered to be presented to his Majesty, praying his Majesty that he would be graciously pleased to have the recommendation of the Committee carried into effect.

[The erection of this gallery is an epoch in the history of the House of Lords. In it, by their Lordships' approbation, was provided accommodation for the reporters of the Public Press; though according to their Lordships' standing order it still remains a breach of their privileges to report their debates.]

## HOUSE OF COMMONS,

Saturday, October 15, 1831.

MINUTES.] Returns ordered. On the Motion of Mr. HUME, the revenues collected in each Post Office in the United Kingdom, with all the expenses of each, for the year end-

ing the 5th of July, 1831; of the Money in the hands of each Stamp Distributor in the United Kingdom upon the 1st of each month, for the year ending 5th July, 1831; and of the amount of Money in the hands of each Collector of Assessed Taxes in the United Kingdom upon the 1st of each Month, for the year ending 5th July, 1831.

BANKRUPTCY COURT BILL—COMMITTEE—THIRD DAY.] Lord Althorp moved the Order of the Day for the Committee on this Bill.

House in Committee. On the question to agree to the clause appointing official assignees,

Mr. Warburton wished for some explanation as to the manner in which the duties hitherto performed by the provisional assignee would in future be executed. Would it still be necessary to appoint a provisional assignee, or would the duties of that office be performed by one of the official assignees, and, if so, would any additional expense be thrown upon the bankrupt's estate thereby?

Mr. Serjeant Wilde said, that the provisional assignee would have no existence after the passing of the Bill. The official assignees would discharge all the duties which had heretofore been executed by the provisional assignee and the messenger. He apprehended that they would discharge those duties without any other remuneration than the usual per centage fee. The Bill contained a clause which prohibited the officers employed under it from taking any fees except those prescribed in the Bill. Although they were accustomed to speak of the provisional assignee, no such officer was mentioned in the Bankruptcy Statutes.

Sir Charles Wetherell said, he must object to the wording of the clause, which would create a doubt as to whether the official assignees could act previously to the appointment of the creditors' assignees. The official assignee, as it appeared to him, could have no power to act in the time between the period when the docket was first struck, and the appointment of regular assignees by the creditors.

Mr. Serjeant Wilde took a wholly different view of the case. He was of opinion, the official assignee would have the same authority as was now held by the provisional assignee, after the passing of this Bill. There would then be no necessity for a provisional assignee.

Sir Charles Wetherell said, if the observation of the hon. and learned Serjeant was good for anything, it went a little too far, for until the creditors had chosen their

own assignee, the Commissioners or the Court must appoint some person to take care of the assets.

The *Solicitor-General* observed, that there must be an assignee at law to protect the property in the first instance, and this was one of the purposes effected by the Bill, which said, there shall be an official assignee instant to every bankrupt, in whom the property should vest. It was of no consequence whether he was called a provisional or official assignee. The office would be filled, and the duty done.

Mr. *John Campbell* said, that nothing could be clearer to his mind than that, under this Bill, the assignees chosen by the creditors, would have a co-extensive power with the official assignee, so soon as they were elected, but that all the bankrupt's property would vest in the official assignee until the regular assignees were chosen by the creditors. There was no necessity, therefore, for a provisional assignee.

Mr. *Freshfield* was of opinion, the objection was well founded. He thought that, by the words of the Bill, the official assignee had no power to act but in conjunction with the assignee chosen by the creditors. Surely, if there was any doubt upon the point, as they were all agreed, it was desirable the property should vest in the official assignee, it was better to remove such doubts, by altering the construction of the clause.

Sir *Charles Wetherell* said, he should not now prolong the present discussion any further, as it was his intention at the end of the clause to move a proviso, empowering the official assignee to act as sole assignee, previous to the appointment of the creditors' assignee.

The *Attorney-General* was sorry to differ from his hon. and learned friend, but with all due deference for his judgment, he saw nothing in the clause which would prevent the official assignee acting alone.

Sir *John Newport* was of opinion, that the remuneration of the assignees should be made dependent on the amount of the sums they might collect, as such a condition would be the best guarantee for the zealous and effectual performance of their duty.

Mr. *Warburton* said, it was well understood that a practice obtained, the machinery of which could not well be traced, by which the attorneys for the Commission chose what set of Commissioners the case should go before for settlement. He hoped

the Bill before them provided against this evil effectually. It was forbidden by the present law, but yet it was of frequent occurrence.

Mr. *Serjeant Wilde* said, the practice arose from solicitors being compelled to select particular lists of Commissioners, because they knew that some of the lists were not very competent to manage the business; but under this Bill it would be impossible that any such selection could be desired, because the persons to be appointed would be fully competent to the duties of the office. Unless they were more competent persons than the present, the power of selection was an advantage.

Mr. *Freshfield* said, as the Bill contained no particular direction that the Commissioners should appoint the official assignee, and as it was allowed generally that there was a necessity for such an appointment as soon as possible, he would beg leave to move, that the following proviso should be added to the clause, viz. "That nothing herein contained shall prevent the Commissioners from appointing the official assignee immediately."

Mr. *Burge* thought, the appointment of official assignees altogether unnecessary; and would subject the bankrupt estates to a needless charge. Besides, the Bill would only act partially; the real title, as applicable to it, was "An Act to amend the Administration of Bankrupts Estates in London," yet he thought the great commercial emporiums of Manchester, Liverpool, and other places, required an amendment of the administration of the Bankrupt Laws as much as London, but they, it appeared, were to be wholly neglected. With respect to the assignees, he saw no reason why creditors' assignees might not be made subject to the same rules, and perform all the duties required of official assignees. In some cases there could be no doubt they would perform them much better. For instance, in cases of West-Indian bankruptcy, where, as in a late case, the bankrupts had creditors in almost every island, and produce to an enormous amount remitted on their accounts. An official assignee appointed to receive the assets of such a concern, would almost make a fortune out of it. Besides, he might turn his situation to account, particularly if he was a mercantile man, by calculating the effect of great sales of sugar in the market. He understood such an assignee was not only to have a per

centage upon the amount of debts collected, but also upon all produce sold belonging to the estate. He considered that such an appointment was not necessary, for all the onerous duties must be performed by the creditors' assignees, and thus the estate would be burthened with the charges and per centage of the official assignee without its deriving an adequate advantage from the appointment. Again, it was provided by the Bill, that such parties were to give security to the Lord Chancellor. Was it intended that the security was to be in proportion to the sum vested in their hands? if so, half the mercantile world in London would be under bond to his Lordship, and all this was done to guard against any fraud in the creditors' assignee. He thought adequate security could be obtained without all this expensive machinery, which would entail a heavy charge upon every bankrupt's estate. He should, therefore, propose, that the whole of this clause relating to official assignees be left out of the Bill.

Mr. Warburton said, that if there was any part of the Bill which he approved of, it was that which related to the appointment of official assignees. The only part of the clause he objected to was, the compensation to be allowed them. It was stated that five per cent was to be the maximum, but he feared, if the Court of Chancery had to manage this matter, that this per centage would turn out to be the minimum. He had also considerable doubts whether the resources that were to be relied on to defray the charges of the Court, would be found adequate to the purpose. Again, who were to look after the official assignees—to whom were they to be responsible? He should most likely be told that, the control would rest with the Court of Chancery, which was tantamount to there being no control at all. He, therefore, thought it would be an improvement to refer the proceedings of these officers to the Court they were attached to particularly, but he would not move an amendment to that effect. Certainly, he was of opinion, that the collecting into one fund the whole effects of bankrupts, would be the means of effecting a considerable saving.

Sir Charles Wetherell said, he must enter his decided protest against the Bill being hurried through the House, on the false assumption that the mercantile classes approved of it. This he denied to be the

fact. To say the least, the opinions of practical men were equally divided on the subject. He objected to the selection of official assignees being intrusted to the Lord Chancellor. That noble and learned Lord might be a very good judge of the persons most proper to fill judicial situations, but he doubted his capability of knowing who were the fittest persons to be made official assignees. It was his firm belief that this patronage would be made use of for political purposes. He called the particular attention of the Committee to this extraordinary fact—that to the lucrative situation of official assignee the Lord Chancellor appointed; but that to the barren office of joint assignees the creditors appointed. Now, from the constitution of human nature, it was quite clear, that unpaid and unsalaried assignees would not perform their duties properly; and that was another objection which he had to this clause. He likewise objected to the mode of remunerating the official assignees, the official assignees being appointed *nolen volens* the body of creditors.

Sir George Warrcnder observed, that he supported this Bill from the confidence which he placed in the present Lord Chancellor, whose conduct, in his opinion, richly deserved it. He deprecated the comparisons which had been made between the character of the Lord Chancellor and of Cardinal Wolsey. Such comparisons appeared to him to be perfectly unjustifiable. He considered that more patronage was relinquished than would be acquired by the Lord Chancellor, in consequence of this Bill. To impute such unworthy motives as those which had been imputed to the Lord Chancellor was imitating the conduct of those men who were now placarding the streets with lists imputing to Members of the other House of Parliament, salaries, places, and pensions far exceeding the amount of all the salaries, places and pensions held by the Peerage.

Sir Charles Wetherell was certain that the hon. Member who had just sat down, either could not have been present, or if present, could not have attended to his observations on a former occasion. So far had he been from attacking the Lord Chancellor on the score of his patronage, that the hon. Baronet, if he had heard him, or if he had been present, would have known that he had

not said anything which could lead any rational man to suppose that he intended any personal imputation on the Lord Chancellor. What he had said was this—that if the Lord Chancellor was surrendering patronage by this Bill, he had a right to compensation for it in his retiring allowance. In the observations which he had made upon the Lord Chancellor, he had spoken politically, not personally. To make unjust imputations against another, was in his opinion, not merely wrong, it was also a crime. The tone which he had taken upon this Bill was political, not personal. The hon. Baronet had complained that it was unjustifiable that the Lord Chancellor should be placarded as the Peers were about the streets. In that he fully agreed with the hon. Baronet; but at the same time he thought, that it would be quite as well if some persons, who were not quite so high in dignity as Peers, were not placarded daily in the Press. He should be glad if the system of crimination and recrimination was withdrawn on both sides.

Mr. Warburton said, the creditors ought certainly to have the exclusive right of choosing the assignees by whom debts were to be collected, and he very much doubted if they would ever be satisfied with having debts compromised by any others than persons of their own choice. He had not yet understood whether there had been any arrangements made with the Bank of England, for receiving deposits from the Court, for it was well known that it was the practice of that establishment to receive only bills of a particular description.

Mr. Freshfield said, he could give no official information on that subject; he knew of no arrangement with the Bank.

Lord Althorp admitted that there might be an increase of patronage just at present thrown into the hands of the Lord Chancellor by this Bill; but after the first appointments were made, there would be a great diminution of patronage. As the disposal of that patronage must be placed somewhere, he thought that the hands of the Lord Chancellor were those in which it could be most safely deposited. With respect to the observations that the assignees who received no salaries would not perform their duty properly, he had only to reply, that those assignees must be creditors, and that circumstance would in itself be sufficient to give them an interest

in collecting and distributing as speedily as possible the assets of the bankrupt. As to remunerating the assignees, he thought that the Bill provided in the best possible way for that. The settlement of the amount of remuneration was left to the discretion of the Court, and it was impossible to vest the matter in more satisfactory hands. With regard to the objection respecting the Bank of England, an arrangement was in progress with the Bank.

Amendment negatived without a division, and clause agreed to

A proviso was then proposed as follows, viz. "Provided always, and be it enacted, that nothing herein contained, shall extend to authorize any official assignee, to interfere with the assignees chosen by the creditors in the appointment or removal of a solicitor or attorney, or in directing the time or manner of effecting any sale of the bankrupt's estates or effects."

Sir Charles Wetherell said, he did not see what way disputes were to be settled. He feared the assignee, he meant the official one, would interfere some way or other.

Mr. John Campbell said, the official assignee's business would be to see that no waste was committed, but he would not have the power of compelling the foreclosure of a mortgage without the consent of the assignee appointed by the creditors.

The Proviso agreed to.

On the question for vesting the personal estate in assignees.

Sir Charles Wetherell observed, there was in all former Acts a formulary of the conveyance of the bankrupt's effects; he wished to know if there was one in this Act?

The Solicitor General said, it was not wanted; for the hon. and learned Gentleman would find in another clause, that the certificate of the appointment of the assignees was declared to be evidence of their title to the property.

Mr. Warburton said, this and the following clause he considered very great improvements upon the existing administration of the law.

Mr. Burge said, the Bankrupt Laws did not extend to any of our colonies. When the property of a bankrupt was sued for there, the bankrupt himself was obliged to join with the assignees in giving a power of attorney to some person there to bring

the action, which was brought in the name of the bankrupt; he therefore, wished the hon. and learned Gentleman (the Solicitor General) would inform him, whether the fiat would enable the assignees to transfer due authority to the party in the colonies, for suing, not in their own names, but in that of the bankrupt, and whether they gave the fiat the effect of the assignment.

The *Solicitor General* said, the same law that existed in the colonies would continue. The Bill before them made no alterations in it, and the fiat would stand in the place of the assignment.

The Clause was agreed to, as was the registration Clause. House resumed.

HOUSE OF LORDS,  
Monday, October 17, 1831.

EXPLANATION—BANKRUPTCY COURT BILL.] The Duke of Cumberland, seeing a noble and learned Lord on the Woolsack, begged leave to make an inquiry from him in behalf of a noble and learned friend (the Earl of Eldon), who was not able to attend the House to-day, and the question he wished to put was to this effect—whether the allusion made on Saturday, by the noble and learned Lord on the Woolsack, relating to the author of a recent pamphlet on the Bankruptcy Act, was intended to apply to his noble and learned friend or not? As all sorts of calumnies were current at the present moment, his noble friend felt a little sore at its being supposed that those remarks were directed against him; but he was sure that a brief explanation would be quite sufficient to satisfy his feelings.

The *Lord Chancellor*: I have much pleasure in pointing out to the illustrious Duke, that, in the few observations I made on Saturday, I could not have alluded to the noble and learned Lord in whose behalf he has now applied, because the description I gave of the supposed author did not at all apply, and although I said the author of the publication was the father of the English Bar, I also said that he was the father of Law Reform, and certainly none of your Lordships, nor even the noble and learned Lord himself, could imagine that I would state any such thing of him. I did not mention the venerable and learned person's name (Mr. Bentham) because his name did not appear in the pamphlet; but there is no doubt of

his being the author, and there is intrinsic evidence in the style of the work which convinces me that he has written it. No, my noble and learned friend does not take that mode of making his opinions known; but, being a member of the House he comes down and states them openly and caudally before your Lordships; and certainly I must say, that nothing can be more courteous and considerate than the tone in which his objections are always urged. The venerable author of the pamphlet, not having it in his power to state his sentiments on the Bankruptcy Court in the House, has been obliged to take another mode of communicating them to the public and to me; but my noble and learned friend always states what he thinks here, and not elsewhere, and, of course, anything which I said on Saturday in allusion to the publication of another could not possibly apply to him.

The Duke of Cumberland said, the explanation given by the noble and learned Lord was quite satisfactory.

THE SELECT VESTRIES BILL.] The Order of the Day having been read, the House went into Committee on the Select Vestries Bill.

Viscount Melbourne stated, that the Bill which had received the approbation of the other House, and was now under the consideration of their Lordships, had the twofold object of correcting the evils which arose from large and tumultuous assemblages taking place under the name of open vestries, and of putting an end to the system of close vestries, by which the affairs and property of a parish were disposed of by a few persons, who re-elected each other, or added only those whom they pleased to their numbers, without the consent or control of the great bulk of the inhabitants. Complaints against both systems had been received by both Houses of Parliament, and he had, on the one hand, a petition from Mile-end complaining of the ill consequences resulting from the open vestry; while, on the other hand, the petitions against the select system were as numerous as the opponents to it could desire.

Lord Wynford said, if that was the case the Bill must be altered from beginning to end, as there was no provision in it for any thing but a close vestry. In his opinion the Bill would give rise to litigation from one end of the kingdom to the



other. He would, therefore, move an amendment to the second clause, to the effect that nothing in the Act should extend to parishes where the inhabitants assembled in open vestry at present.

Amendment negatived without a division.

The clause having been read regulating the mode by which parishes are to adopt or reject the Bill—the Bill providing that it must be done by a majority of two-thirds of rate-payers,

The *Lord Chancellor* said, that since the Bill and the amendments proposed on Saturday had been printed, he had given them his best consideration, and the more he looked at the measure, the more important he found it, as it was one which proposed a great alteration in the municipal law of the country, which would be attended with the most beneficial or the worst effect in those parishes where it was introduced, according to the manner in which it was regulated. It came home to the bosom of every family, and, therefore, it deserved the serious consideration of their Lordships. The object of the Bill, as his noble friend had explained, was to limit the confusion which arose from tumultuous meetings when the inhabitants of a parish met in what was called an open vestry, and when, however well sustained the discussion on the affairs of the parish might be, it was impossible that the business of the parish could be conducted with any thing like precision and regularity. It was ridiculous to think of every matter being left to the disposition of a crowd of perhaps 10,000 persons; and certainly it must be admitted, on all sides, that no worse species of law-making could prevail. The only principle which, therefore, could be introduced was that of delegation, a certain number of persons being appointed by the free consent of the rest to act as their representatives. This principle applied as well to the affairs of a parish as to those of a kingdom, and, therefore, it formed the basis of the present Bill. The other great mischief which the Bill sought to put an end to was fully as pernicious the other way as these tumultuous meetings; and, from his own professional experience, he could vouch that the system of self-elected vestries was one of the worst that could be acted upon for the administration of the affairs of a parish. With the view of getting rid of the violence of an open meeting on the one hand, and

of the closeness of the select vestry on the other, the present Bill had been projected, and it was intended to be made available in all parishes where the bulk of the inhabitants were in favour of its adoption. The fundamental clause was that which was called the adoptive clause, and by it the benefits of the Bill might be extendable to every parish by the wish of the inhabitants. By the Bill, however, as it came from the Select Committee, the power of adopting the measure was not conferred on the rate-payers of a parish assembled at any given meeting, convened by public notice, but by an absolute majority which should constitute two-thirds of the rate-payers of the whole parish. The amendment, however, of his noble friend, proposed that the measure could only be adopted by a majority of the rate-payers present and voting at some public meeting. In the former case, though the great majority of the inhabitants might be in favour of the Bill, it would be in the power of a few persons to prevent its being adopted. It could not take place unless the majority of the whole rate-payers, whether absent or present, concurred. To show the inconvenience of that course, he had only to suppose that a case should occur where, unless the majority was double the minority, it was utterly impossible that the whole of the rate-payers of the parish could possess themselves of the advantages conferred by the Bill. Suppose a parish consisted of 300 persons, it required 200 to concur in favour of the Bill, and not even a majority of 180 or 190 would be sufficient. That was not all; for, though a meeting might be assembled with ample notices, yet the absence of a certain portion of rate-payers was sufficient to prevent that meeting adopting the Bill. It was of no consequence that the meeting had discussed the advantages and disadvantages of the Bill; it was of no consequence that the majority had made up their minds in favour of it, after exchanging opinions with each other, and being persuaded of the benefit that must accompany it, because there were so many absentee rate-payers who never heard one word of the discussion, and who were too idle to attend. Suppose, therefore, that one-third of the parish, containing 300 persons, stayed away—one-third plus one. But of 300, 101 were absent—why their staying away neutralized the votes of 199 respectable persons in the parish, which had attended the meeting, and made up

their minds in consequence of what they heard there. It was even still more absurd than the way he first put it, for the 101 who stayed away might not be against the Bill, but in favour of it; but if they would not take the trouble to attend, they outweighed the force of those who did. The absurdity of all this was self-evident, and surely their Lordships would never pass a Bill where the persons absent neutralized the acts of a meeting which they had it in their power to attend, and by which an idle minority prevailed against an active and substantial majority. The whole clause was full of objections. It proposed that the church wardens should calculate the number of the rate-payers in the parish, and decide whether the majority of them required by the Bill consented or not. Now he had never had the honour to serve the office of churchwarden—and, therefore, did not know how the duties of it were accomplished; but he could not possibly see in what manner this calculation could be made out. It seemed to him to be one of the most difficult tasks that could ever be devolved to mortal churchwardens. How was it possible for that officer to know if a majority of rate-payers consented or not? How was he to know who was abroad—who was at his country-house—who was out of the way? The churchwarden was obliged to declare if the Bill had been adopted by two-thirds of the rate-payers; but it was out of his power and ingenuity to determine the point—first, because several rate-payers might be absent whose opinion could not be taken; and secondly, because a minority not attending the meeting controlled the majority that did. The question had often been raised, whether it was fit that votes should be given by proxy in any case; and now, as they were in Committee, where proxies could not be given, he would say a few words, which must not be construed into anything disrespectful to the House. But in the House the proxy gave a positive declaration either for a measure or against it, but here the proxy was of a negative nature; and the person not present actually voted by his absence against those who were. They had all heard of silence giving consent, but it was the first time that an Act of Parliament provided that silence gave dissent, and he could not understand for what purpose such a provision was introduced, which could not have a better

effect than that of crippling and impeding the natural progress of the Bill. The absurdity of it would at once be seen if the House made the case its own; and, though the clerk at the table would perform his duty carefully and correctly, and declare those who were entitled to vote and those who voted by proxy, it would not be very pleasant to find, that every solemn decision of the House was neutralized by a minority who would not attend, and who would not even take the trouble to send their proxies against any measures. His noble friend proposed to get rid of all these inconveniences by a very simple amendment, by which the adoption of the Bill was to be determined by a majority of the rate-payers present, and voting at a meeting convened by general notice to all the parties concerned. But against that it was said, that the parish might not assemble in sufficient numbers, and that the few who did assemble could have the power of acting as they pleased. Now, in his opinion, the probability was, that the bulk of the parishioners would attend the first great meeting at which the adoption of the Bill was to be determined, and there was no reason to think that the opponents of it would be absent, as he ever found that the opposers of any measure (he begged pardon of the noble Lords at the other side of the House) were always the most zealous in their attendance. In the parish of St. Pancras there were 14,000 rate-payers; before the time of Mr. Sturges Bourne's Act, there were 10,000; and it was probable that if a Vestry Meeting was called, it would be attended by 1,000 or 2,000 persons. Now, if on any given day the adoption clause were to be then mooted, there would be at least 2,000 rate-payers collected, and if, after a discussion of the merits or demerits of the Bill, the adoption of it was carried by a majority, it was natural to suppose that that majority represented the feelings of the parish at large. But all that the 2,000 could do would be useless while 8,000 remained at home, and did not choose to vote at all, or take any part in the proceedings. But suppose there were even 6,000 present, that would not do; and unless there were 7,000, which were the two-thirds of 10,000, and unless they were all in favour of the Bill, it could not be adopted in the parish of St. Pancras. It was fit after stating these objections to the Bill, that he should say that

he had no immediate interest in it. He looked upon it as a public measure, of great importance to every city and parish in the kingdom; but he felt, after having examined it, as was his duty to do, that he could not support the clause as framed by the Select Committee, unless it was amended by the alterations of his noble friend.

The Earl of *Delaware* observed, that the clause to which the noble and learned Lord on the Woolsack had so strongly objected, had met with the general approbation of the Committee.

The Earl of *Haddington* thought, that the suggestion which he was about to offer very briefly to the House would reconcile the differences which existed in the opinions of their Lordships upon the subject. He would let the decision of the point be left to two-thirds of the rate-payers present, if they formed a majority of the whole. It was desirable that the Bill should not be imposed upon a parish but by a majority of all the rate-payers. What he meant was this—suppose there were 399 rate-payers in a parish, and that 300 of them should vote, then what he meant was, that 200 or two-thirds of the voters should settle the question. He hoped that he had made himself clearly understood.

The Lord Chancellor observed, that the Bill did not contemplate any public meeting, but there could be no doubt, that the question would substantially be decided by such meetings. He thought that there was a great deal in the suggestion of the noble Earl (*Haddington*), and that its adoption would be an improvement to the Bill.

The Earl of *Falmouth* thought, that property, to a certain extent, should be the rule of voting. The majority, under the present Bill, was left at two-thirds of the rate-payers. That numerical majority might, in many parishes in the country, not comprise the one-twentieth of the property in the parish. The noble and learned Lord opposite had drawn an analogy between their Lordships' voting, and parishes voting under the provisions of this Bill. Now, it did not appear to him, that that analogy was at all a correct one, nor did he perceive the least similarity between the legislative proceedings of that House, and the proceedings of parishes under this Bill.

The Lord Chancellor did not think

that, in one respect, there was the slightest difference between them; and, in the instance to which he alluded, he would maintain, that parishes would exercise an act of legislation precisely similar to that which was exercised by their Lordships. When the present Bill was passed, its adoption would be left optional with the various parishes in the kingdom. Now, the voting this Act to be the law in any parish would be an act of legislation in the strictest sense of the word. If such an act was not a legislative one, he did not know the distinction.

Lord *Wynford* was of opinion, that the Churchwardens should calculate the number of those that actually voted, and that two-thirds of them, under the regulation proposed by the noble Earl (*Haddington*), should carry the question. He also thought, that there should be a scale of votes, graduated according to the amount of property assessed, and that, for every 25*l.* for which an individual was rated, beyond the original assessment from which he derived his first vote, he should be entitled to an additional vote, limiting the number of votes to which any individual could thus become entitled, to six.

Viscount *Melbourne* said, that as he was about to address the Committee on the Bill, he would include the proposition made by a noble Lord on Saturday, by which he proposed the rate-payers of each parish should possess votes according to the sums they were respectively rated at in the parish books. For instance, the person who was assessed at 50*l.* a-year had one vote; at 75*l.* he had two; and so on for each 25*l.* until it amounted to six votes, to more than which no one person was to be entitled. Now, he would at once fairly state, that he could not approve of those new devices in elections, and he considered that the plan of voting according to property was liable to every objection which had been raised against the principles of Representation lately introduced by his colleagues. The principle of voting according to property, and not on population, was altogether new. He would not open the Reform question, but he thought the principle of voting in parishes might be regulated on the same basis as that introduced in the Bill to which he alluded. According to the original basis of Representation, property was not the standard; for instance, Rutlandshire sent as many Members as the

largest county. In the county, freeholders had the right to vote: in boroughs, the payer of scot and lot; and the idea of a graduated scale of voting at elections was as new and unprecedented as any alteration proposed by the Reform Bill. He thought that it was founded on an erroneous principle, and that it would prove to be most prejudicial in practice. It attacked the principle on which the whole functions of Government stood. That the majority should bind the minority was a wise and just rule. If there be any thing in the foundation of Government which gave stability to human affairs, it was this principle. But the proposition now advanced set forth a different order of things, and it would establish the power of the minority over the majority; and ten persons possessed of six votes each would outnumber fifty-nine who had only one qualification each. Was there ever such a receipt for discontent drawn up as this? Was there ever a proposition more pregnant with quarrels and confusion? But, in fact, the principle was not fully sustained, for there might be persons among the fifty-nine of greater property than the ten who had outvoted them. A tradesman might have very large and showy premises, and be highly assessed, but still his circumstances might not be flourishing, and he might be actually working at a loss; while another tradesman, who had retired after realizing a considerable fortune, might live near him in a small tenement, which would be rated considerably less than the other, yet, according to the principle now suggested, the poor man would outvote the rich man. The principle had never come under his consideration before, but the objections to it were palpable and decided. In his opinion, it would produce discontent, and prevent what was much to be desired in human affairs—stability and certainty. He was perfectly convinced, that their Lordships would counteract the object they had in view, if the principle contended for by the noble Lords opposite were introduced into the Bill now before the Committee.

The Earl of *Falmouth* said, the noble Viscount was wrong if he imagined this was a new principle which it was desirable to have introduced into the Bill. The principle, in his opinion, ought to be adopted: it would prevent great mischief, which he was confident would arise should the Bill pass into a law as it now stood.

He begged to remind the noble Viscount and the Committee, that on an important measure, which had recently passed their Lordships House (he meant the Tithe-composition Act), it was made necessary that not only two-thirds of the persons concerned should concur before it could be adopted, but also two-thirds of the value.

Lord *Wynford* suggested, that there were three-fifths required, both as to number and value.

The Earl of *Falmouth* was obliged to the noble and learned Lord. It was highly necessary that there should be a considerable majority of parishioners to make any considerable change in parish proceedings. Persons connected with parish affairs knew well, that there was a great deal of trickery and jobbing; and he thought that, before such a measure as this was received, a large majority, as respected both the property and numbers in the parish, ought to be required.

Viscount *Melbourne*, in explanation, said that what he meant with respect to the adoption of the principle was, that it was comparatively of modern origin.

Lord *Wynford* said, that the principle had been known and recognized for a long time. It was applied to the case of the Bank of England, and to the East-India Company. The right of voting had simply in those instances a reference to property. There ought, in his opinion, to be a graduated scale by which the parishioners should have votes according to their property. If the noble Viscount meant to reject the proposal for a graduated scale, he would divide the Committee on the clause.

The Earl of *Shaftesbury* suggested, that the best way, he thought, would be, to defer the division until the report was to be received.

Lord *Wynford* had no objection whatever to take that course. He thought, that a person who was rated at 10*l.* a-year, and who might be a payer one week and a receiver another, ought not to have as much influence in parish matters as a person who was rated at 1,000*l.* a-year.

The Duke of *Wellington* said, that the noble and learned Lord on the Woolsack had spoken of parish meetings discussing whether they would adopt the Bill or not. It was impossible for meetings consisting of 2,000 or 3,000 persons to discuss any such matters. As he understood, the Bill had been originated in consequence of certain parishes in the metropolis being

dissatisfied with the Select Vestry system which now prevailed.

Viscount *Melbourne* said, that the dissatisfaction was not confined to parishes in London, but extended to several large towns, such as Bristol and Birmingham.

The Duke of *Wellington* said, that the complaint, he believed, chiefly rested with the metropolis. He should be glad to know, why their Lordships should be called upon to repeal Mr. Sturges Bourne's Act, which had worked well, and, taking the country generally, was much approved of. That Act had given great satisfaction to the country; but, if it were necessary to alter the law at all, why not confine the alteration to the metropolis where the dissatisfaction was felt? He agreed with the noble and learned Lord near him (Lord *Wynford*), that the vote for parish vestries was very different from that for electing Members of Parliament, as far as the principle of both was concerned. By the law, as it now stood, every man had a right to attend a Vestry and vote; but, owing to the large size of parishes, it was convenient, and indeed necessary, to have another mode introduced to carry on the affairs of the parish—that was to say, a Select Vestry, for the purpose of regulating, distributing, and accounting for, the rates. To regulate that matter, Mr. Sturges Bourne's Act was passed, but it related solely to the country, and let that be applied to the metropolis. What objection was there to that? Why it was said, there must be a meeting of the rate-payers to decide whether the Bill should be adopted or not. The optional clause of the Bill was, in his opinion, most objectionable. It would be cause for excitement and agitation; and he repeated, that it would be far better to extend Mr. Sturges Bourne's Act at once to the metropolis than pass this Bill.

The Earl of *Haddington* said, his suggestion having given rise to this discussion, he begged to add a few words. If he understood rightly the operation of Mr. Sturges Bourne's Act, it had no application to any parish regulated by a local Act, unless expressly applied to it. If the law were defective, it would have been infinitely better to introduce a Bill for the metropolis only, in preference to making the alteration general throughout the country. He felt a difficulty in the matter, because, if the Bill were rejected, the metropolis would be left in a state of excite-

ment and discontent with regard to the Vestry system. He did not oppose the Bill, but the object of his motion was, to prevent a small number of parishioners from forcing the Bill upon an unwilling parish. His amendment was this—to leave out the words, “of two-thirds of all the rate-payers of this parish have been given in favour of the adoption of the said Act,” for the purpose of adding the words, “Provided always, that the majority of two-thirds of the votes given in favour of the adoption of the said Act of Parliament, shall constitute a clear majority of the rate-payers of the parish.”

Viscount *Melbourne* had no objection to adopt the amendment of the noble Earl, but he could not consent to the amendment of the noble and learned Lord, or to adopt the suggestion of the noble Duke. He begged to inform the Committee, that the dissatisfaction to the Vestry system was not confined to the metropolis, but was experienced at Bristol, Birmingham, and other large towns. He was anxious to remedy the evils which had given rise to the discontent which now pervaded so many parishes. Abuses to a considerable extent were complained of, and rates, in many parishes, had been increased; but he wished it to be understood, that increase of rates did not imply misconduct on the part of the Select Vestries. Considering the length of time which this Bill had been before Parliament, without imputing obstinacy to those who opposed its provisions (for he wished not to be considered as casting censure upon any one) he really thought ample time had been given to consider its merits, and he would venture to express a hope, that their Lordships would allow it to pass.

The Earl of *Falmouth* said, he saw no reason why the operation of this Bill should not be confined to Bristol and Birmingham, and the large towns, where objections to the present law were entertained, without making its provisions general. He begged to ask the noble Viscount, whether complaints had reached him from many parishes? In parishes in which he (Lord *Falmouth*) possessed property, he would assure their Lordships, that the system, as it now stood, worked well, and was not complained of, but, on the contrary, persons in general were satisfied with it.

The Earl of *Harrowby* confessed that he had not paid much attention to the

subject now under consideration; and the information which he possessed was chiefly derived from the conversation he had joined in. But the Bill appeared to him open to many objections. The great measure which had engrossed their Lordships' minds during the last six months would, he hoped, be taken partly as an excuse for his not having paid that attention to the present Bill which the subject warranted. What he would venture to suggest was, that Mr. Sturges Bourne's Act should be made applicable to the parishes in the metropolis, and to the great towns throughout the Kingdom, repealing the local enactments by which parishes in these towns are governed, by one single short enactment. He thought this would lead gradually to a change, and all changes of this nature ought to be progressive. In the interim between the present and the next Parliament, the Bill might be examined and considered. He was anxious to see property duly represented in parishes. In the Reform Bill the principle of property, as well as population, was regarded; and he thought that property ought to be also attended to in any measure proposed to alter the law respecting the regulation of Select Vestries.

Viscount Melbourne was not prepared to adopt the suggestion of the noble Earl, not having considered what would be the effect of repealing the local Acts alluded to. He was quite sure, however, that the effect of the noble Earl's recommendation would be, to create great dissatisfaction if their Lordships were to attempt to carry it into execution by compulsory means, and he was convinced Mr. Sturges Bourne's Act would never be voluntarily adopted. He felt all the inconvenience of discussing this question at the end of the Session, and he concurred in what the noble Earl had stated as to the all-engrossing subject which had necessarily occupied their Lordships' minds, to the exclusion of other important topics—so that the attention which they required had not been given to them. He begged to add, that he felt the necessity of passing the Bill, in order to prevent embarrassment, which he apprehended might arise; and, at all events, it would put an end to that dissatisfaction which was felt, as he had already stated, and which he assured their Lordships was felt to a great extent.

The Earl of Falmouth said, he must repeat his objections to adopting the Bill in

other places than in those towns which had been enumerated, or where complaints against the present plan of Select Vestries existed. He begged again to inquire whether the noble Viscount had heard any objections from rural parishes, as well as large towns? If the Bill were to be adopted, why not confine it solely to the towns where complaints had been made?

Viscount Melbourne begged to apologize for not answering the noble Earl's question when he spoke before. He must say that he had not received any complaints from country parishes against the system as it now existed. Having admitted this, however, he should be excused adding that the noble Earl must be aware, that in the country a great deal of dissatisfaction and discontent prevailed. And with respect to the noble Earl's suggestion, as to adopting the Bill only for those towns from whence complaints had sprung, he really saw no means of doing that, except by naming the towns in the Bill—a course to which he would not give his assent. It was not compulsory on any parish to adopt the Bill; on the contrary it was expressly provided, that a majority of rate payers must agree to it before it could be adopted.

The Earl of Falmouth considered it would be quite easy to apply the Bill to the large towns and cities where the evils complained of were said to prevail. This would be limiting the remedy to the disease. But he must persist in objecting to extending the Bill to rural parishes.

The Amendment of the Earl of Hadington agreed to.

On the qualification clause being read,

The Earl of Delawarr said, he rose to propose an amendment by adopting which there would be introduced a graduated scale of voting agreeably to property, varying from one vote to six, which he was prepared to contend was necessary, in order to give a due and proper influence to property. He knew that in the parish of St. George, Hanover-square, the system of the Select Vestry worked well, and to the satisfaction of the inhabitants. He thought that property was not sufficiently regarded in the Bill, and that great mischief would ensue were it adopted in its present shape. He should move, that the amendment made in the Select Committee as follows be part of the Bill: "And, be it further enacted, that in the election of all such vestrymen and auditors,

every inhabitant who shall, by the last rate which shall have been made for the relief of the poor, have been assessed and charged upon or in respect of any annual rent, profit, or value not amounting to 50*l.* shall have and be entitled to give one vote, and no more; and every inhabitant who shall in such last rate have been assessed or charged upon, or in respect of any annual rent or rents, profit or value, amounting to 50*l.* or upwards (whether in one, or in more than one sum or charge) shall have, and be entitled to give, one vote for every 25*l.* of actual rent, profit, and value, upon or in respect of which he shall have been assessed or charged in such last rate; so, nevertheless, that no inhabitant shall be entitled to give more than six votes; and in cases where two or more of the inhabitants shall be jointly rated, each of them shall be entitled to vote according to the proportion and amount which shall be borne by him of the joint charge."

The Earl of *Mulgrave* felt called upon to oppose the amendment now submitted for the approbation of the Committee. He was quite sure, from the present state of feeling in the metropolis, if the amendment received the sanction of the Legislature, that it would increase the discontent and dissatisfaction which pervaded so many parishes and so large a population. He, however, trusted that the Committee would reject the amendment of the noble Lord, which was neither more nor less than calling upon the majority to be guided by the minority. Every person paying a rate had a right to have a voice in the parish.

The Earl of *Fulmouth* thought it was not an equitable mode of proceeding to allow a man who only contributed 2*s.* 6*d.* to the parish rates as great an influence as one who paid 100*l.*

Viscount *Melbourne* said, according to the law of the land, every man paying a rate had a right of a vote, and the Act which had limited that right was a usurpation. He certainly must object to the amendment now submitted.

The Committee divided on the Amendment. Contents 38; Not-contents 54—Majority 16,

Original clause agreed to—the remainder of the clauses also agreed to and House resumed.

#### List of the NOT-CONTENTS.

DUKES.	Norfolk
H. R. H. the Duke of	Richmond
Sussex	St. Albans

Brandon (Hamilton)

#### MARQUESSES.

Lansdown  
Cleveland  
Queensberry

#### EARLS.

Cawdor  
Carlisle  
Cowper  
Essex  
Grey  
Charlemont  
Albemarle  
Gosford  
Ilchester  
Denbigh

#### VISCOUNTS.

Hood  
Leinster  
Goderich

#### LORDS.

Brougham  
Wenlock  
Napier  
Dunmore  
Fife  
Dinorben  
Teynham  
Dover  
Lyttleton

Erskine

Dunally

Boyle (Cork)

Panmure

Howden

Sefton

Sundridge (Argyll)

De Clifford

Suffield

Belhaven

Fingall

Melbourne

Stafford

Chaworth (Meath)

De Saumarez

Wellesley

Howard of Effingham

Auckland

Templemore

Mendip (Clifton)

Clements (Leitrim)

Wharnccliffe

Donnay (Downe)

#### TELLER.

Earl of *Mulgrave*

#### PAIRED OFF.

Earl Morley

Earl Camperdown

Lord Clifford

#### List of the CONTENTS.

#### DUKES.

H. R. H. the Duke of

Cumberland

Buckingham

Wellington

#### MARQUESSES.

Bristol

Cholmondeley

#### EARLS.

Dartmouth

Delawarr

Carnarvon

Doncaster (Duke of

Buccleuch)

Westmorland

Harrowby

Abingdon

Mountcashel

Dudley

Manvers

Bradford

Bathurst

#### VISCOUNTS.

Lorton

Arbuthnot

Beresford

Gorden (Aberdeen)

#### LORDS.

Forester

Wynford

Redesdale

Arundel

Skelmersdale

Montagu

Deuglas

Colville

Farnham

Saltoun

Stuart, of Rothsay

Sheffield

Ellenborough

Maryborough

Clanwilliam

Melross (Haddington)

Ravensworth

#### TELLER.

Earl of Rosslyn

#### PAIRED OFF.

Marquis of *Thomond*

Earl of *Hardwicke*

Lord *Penshurst* (Viscount *Srangford*).

CONSOLIDATED FUND—APPROPRIATION BILL.] The Earl of *Shaftesbury* having moved that this Bill be read a third time,

The Duke of *Wellington* said, that he rose, pursuant to the notice he had given, for the purpose of submitting to their

Lordships some observations respecting the financial condition of the country. He was aware that it was usual, on occasions like the present, to advert as well to the external as to the internal policy of the country; to the measures emanating from both; to the effects which those measures had produced, and to the effects which those measures were likely to produce. Although, however, there were some topics connected with our foreign policy to which he might be anxious to advert—although there was one of these which was already ripe for discussion, the papers connected with it being on their table—yet it was not his intention to trouble their Lordships unnecessarily on the present occasion, with any allusion to foreign affairs, because he should have other opportunities for this, and because their Lordships had already been wearied with very long discussions. He should, therefore, confine himself entirely to the state of the finances of this country, and to a comparison between their present state and what they had been before. The country now found itself in this singular situation—namely, that with an increased expenditure, and with a large reduction of taxation, it had at the same time no overplus of revenue over expenditure, or at least so trifling an overplus, that it might fairly be called none at all, being, as he should presently show, not more than about 10,000*l.* He said that the country was in this situation now; for he put out of the question those occasions on which the Ministers found it necessary to come down to Parliament, and ask for a loan to carry on the service of the country on account of some of those accidental and unforeseen circumstances which occur in so large an establishment as this country possessed. To meet such occurrences, a surplus of income over expenditure had always been considered desirable, which was also advantageous, with a view to the diminution of the public debt. He was aware that there was great difference of opinion connected with this point; he was aware that many great authorities were of opinion that no such surplus of income over expenditure was necessary; and he agreed with those authorities, when they said that this surplus ought not to be increased by borrowing, and so incurring new liabilities for the purpose of getting rid of old ones. At the same time, however, he could not look at what had taken

place in this country of late years—even during the short time he had the honour of being in his Majesty's councils—without being sensible of the very great advantages which had resulted, and must result, from such a surplus of income over expenditure as would tend to the gradual diminution of the public debt. He was within the truth when he stated to their Lordships, that since the peace, the interest of the public debt had been reduced to an amount equal to what would pay the interest of 100,000,000*l.* of stock; and he thought their Lordships must therefore see that some overplus of income at least was highly desirable. But this was not all. Considering the hopes which had been held out at different times by persons at the head of the financial department, that there should be always such an overplus provided—considering the wishes which had been constantly expressed on this subject by all the Committees on financial affairs, and even by the last finance Committee—considering these things, he thought that he was not saying too much when he affirmed, that it seemed to be a principle of the financial policy of this country, that there should be an annual surplus of income over expenditure, to be applied to the gradual diminution of the public debt. Besides these considerations, their Lordships must be aware, that much of the revenue of the country depended upon the seasons, and that almost all of it depended upon consumption. Their Lordships, too, must be aware that consumption depended upon taste and fashion, and upon those changes in taste and fashion over which no man could have any control. Thus, then, the revenue was subject to very material variations, the precise amount of which could not be foreseen, and which could be provided for only by a surplus of income. It was on this principle that the Government to which he had the honour to belong had proceeded in the last year. In the preceding year they had arranged so as to have had a diminution of the interest on the unfunded debt to the amount of 130,000*l.* a-year; and in the course of the years 1828, 1829, and 1830, they had produced a diminution of expenditure to the amount of not less than 3,575,000*l.*, the expenditure being in 1827, 51,390,000*l.*, and in 1830, 47,815,000*l.* This difference was produced by three years' close attention to economy. The Ministers of that day reduced the



services, estimated for Parliament from 18,245,000*l.* to which they amounted in 1827, to 16,500,000*l.* speaking in round numbers, which was their amount in 1830; making a difference of more than 1,500,000*l.* Besides this, they had reduced their expenditure in the last year—that was to say, the year 1829-30—by an amount of 1,100,000*l.*; and besides all that, they laid the ground for a further diminution, by reducing the four per cents, lessening the charge for that stock, 788,000*l.* a-year. They had, therefore, made a reduction not of 3,500,000*l.* only, but in fact, a reduction of more than 4,000,000*l.* Having made such a reduction of expenditure, they considered themselves justified in proposing a large reduction of taxation. They did propose such a reduction accordingly, and with the consent of Parliament, they took off taxes to the amount of 3,350,000*l.* When they made this proposition to Parliament, they had a revenue which was estimated at—and he believed did not produce less than—50,480,000*l.* Their expenditure was only 47,815,000*l.* They had also, besides this, as he had already stated, the prospect of a further reduction by reducing the four per cents to the amount of 788,000*l.* By deducting this prospective reduction from their expenditure, their expenditure would amount to 47,027,000*l.*; and the difference, therefore, between their income and their expenditure was 3,453,000*l.* By repealing taxes to an amount greater than 3,000,000*l.*, they had remaining but a very small surplus of income over expenditure. But then, at the same time, they laid on an additional duty on spirits, and they had every reason to expect, that by the repeal of the beer tax, a very considerable increase of the revenue would result from the increased production from the malt-tax, and he believed that the noble Lords opposite would acknowledge; that they had found that this expectation of their predecessors had been realized. They had hoped, too, that another year would give them still better prospects; for at that time they had not had the good fortune of the French revolution. They had, however, a large fleet in the Mediterranean, which the uncertain state of the affairs of Greece rendered it necessary to keep up; but as soon as the settlement of that country should have been accomplished, they had intended to put down that fleet, and to bring the navy estimates, like the army estimates, within

the frame of a peace establishment. They had hoped, and he thought reasonably, that by these means they should have had a surplus of income over expenditure to the amount of nearly 2,000,000*l.* sterling. It was in this condition of our financial affairs that the noble Lords opposite had come into office. Those noble Lords, however, had found themselves under the necessity of increasing all the military establishments, all the navy establishments, and, in short, all the establishments which their predecessors had been occupied for many years past in endeavouring to reduce. The estimates for their establishments exceeded the estimates of their predecessors in 1830 by about 930,000*l.* At least this was the amount of the apparent excess; but then he must observe that the real excess was 200,000*l.* or 300,000*l.* more; for the fact was, that the supply for the Ordnance was not charged to its full amount, a part of the expenses for it having been provided for by the sale of old stores, including even arms belonging to the department. Thus the charge for the Ordnance appeared smaller than in fact the necessary expenses of the department amounted to; and the difference, therefore, between the estimates of the noble Lords opposite and those of their predecessors would have been 1,200,000*l.* and not 930,000*l.*, if part of the ways and means for providing for the expenses of the Ordnance department had not been derived from the sale of stores. However, the noble Lords opposite would admit, that the excess, according to their own reckoning and the papers laid before Parliament, stood at 930,000*l.* He understood the amount of revenue upon which the noble Lords calculated was 47,250,000*l.*, which was a little higher than their predecessors had calculated the revenue for the year 1831, after deducting the taxes they had reduced. Then the expenditure of the noble Lords would amount to 47,239,850*l.*, which subtracted from the revenue of 47,250,000*l.* would leave a surplus of only 10,150*l.* This, and no more, was the surplus of income over expenditure in a great country like this. He was perfectly well aware that the noble Lord (the Chancellor of the Exchequer) had made out the surplus to be much greater, nearly 500,000*l.*; but then the noble Lord had been able to make out his amount of surplus in no other way than by resorting to a mode of calculating which was quite new in the financial system of this country. The revenue, that

noble Lord admitted would be 47,250,000*l.* The expenditure, however, the noble Lord calculated in this way:—the noble Lord took what had been expended and what might be expended, but not what Parliament had voted. The noble Lord said, “We have spent already up to October, being three quarters of the year, 35,221,643*l.*; for the remainder of the year, I will allow 11,534,578*l.*; so that our whole expenditure will amount to 46,756,221*l.*” But this way of calculating could not be considered satisfactory. The votes which had been agreed to by Parliament amounted to 47,239,850*l.*; the revenue was calculated at 47,250,000*l.*; and the surplus, therefore, of income over expenditure was, as he had made it out, 10,150*l.*, and not 493,000*l.* as the Chancellor of the Exchequer, by his mode of calculating, represented it to be. He was quite sure, that their Lordships would at once see through the fallacy of this statement. It might be true that it would not be necessary to provide, during this year, for a greater outlay than had been stated by the Chancellor of the Exchequer; but although a nation, like an individual, might not be called upon to discharge within the year all the liabilities contracted by it during that year, yet he must say, that both the nation and the individual ought, in calculating their expenditure and receipts, to set the expenditure and the receipts of each year against one another; and if the question was one of defraying yearly expenditure by means of yearly receipts, to provide for the liabilities contracted in one year out of the receipts of the same year. He must contend, therefore, that the Chancellor of the Exchequer had introduced into the financial system of the country quite a new principle—a principle which in any times but the present would not have been listened to for a moment, even if any Chancellor of the Exchequer had brought it forward—which he did not think would have been likely in any other times than these. Having this prospect before them, the present Ministers had thought proper also to propose a large reduction of taxation. They had repealed the duties on coals which produced to the revenue 950,000*l.* a-year, they had made an alteration in the cotton duties, by which, as he understood, the revenue would lose 300,000*l.* a-year more; and, besides these, they had made a prospective repeal of the candle duties, by which the revenue would

sustain a further loss of 500,000*l.* a-year. Two of these alterations took place in the month of March last, and the other was to commence in February. With every allowance for increase of consumption, he thought that the loss of income which would result from these alterations in the present year, could not be calculated at less than 900,000*l.*; and this, therefore, would have been so much surplus revenue at this moment if the taxes had been retained. But let their Lordships look at the next year. Then there would be, by the coal-tax, the cotton duties, and the candle-tax, more than 1,700,000*l.* taken from a revenue which already exceeded the expenditure by no more than 10,000*l.* He was one of those who said, a long time ago, that he thought the repeal of the coal-tax a very proper measure, if it were proper to repeal any tax; but the noble Earl should recollect that he had told him that the mode to supply the consumer with cheap coals was, not to begin by repealing the tax, but by putting an end to the abuses in the coal-trade. These abuses were still in existence. What were the consequences produced by the coalition between the coal producer and the persons engaged in bringing the article to market? Why, that while 950,000*l.* was lost to the revenue of the country, only 2*s.* a chaldron were saved by the consumer; the remaining 4*s.* going to the producer and conveyor of the coals, who, in addition to their other large profits, had now got the greater part of the King's duty. Their Lordships would now see that this was not the exact way in which the finances of the country ought to be regulated. And when their Lordships came to look at the consequences of the repeal of this tax, and how little benefit it produced to the consumer, they would feel the truth of his observations; certainly it was more desirable to have a surplus of the revenue over the expenditure to meet contingencies, than that the revenue should be diminished to the profit of a few wealthy individuals. If other circumstances rendered such a provision a matter of comparative indifference, still it was certainly more desirable to have the money lying in the Exchequer rather than in the pockets of the producer or the person by whom the coals were transported to London or elsewhere. Their Lordships would observe, that he had not said that he was averse to the repeal of this tax; what he had stated was, that it was expe-

he had no immediate interest in it. He looked upon it as a public measure, of great importance to every city and parish in the kingdom; but he felt, after having examined it, as was his duty to do, that he could not support the clause as framed by the Select Committee, unless it was amended by the alterations of his noble friend.

The Earl of *Delaware* observed, that the clause to which the noble and learned Lord on the Woolsack had so strongly objected, had met with the general approbation of the Committee.

The Earl of *Haddington* thought, that the suggestion which he was about to offer very briefly to the House would reconcile the differences which existed in the opinions of their Lordships upon the subject. He would let the decision of the point be left to two-thirds of the rate-payers present, if they formed a majority of the whole. It was desirable that the Bill should not be imposed upon a parish but by a majority of all the rate-payers. What he meant was this—suppose there were 399 rate-payers in a parish, and that 300 of them should vote, then what he meant was, that 200 or two-thirds of the voters should settle the question. He hoped that he had made himself clearly understood.

The Lord Chancellor observed, that the Bill did not contemplate any public meeting, but there could be no doubt, that the question would substantially be decided by such meetings. He thought that there was a great deal in the suggestion of the noble Earl (Haddington), and that its adoption would be an improvement to the Bill.

The Earl of *Falmouth* thought, that property, to a certain extent, should be the rule of voting. The majority, under the present Bill, was left at two-thirds of the rate-payers. That numerical majority might, in many parishes in the country, not comprise the one-twentieth of the property in the parish. The noble and learned Lord opposite had drawn an analogy between their Lordships' voting, and parishes voting under the provisions of this Bill. Now, it did not appear to him, that that analogy was at all a correct one, nor did he perceive the least similarity between the legislative proceedings of that House, and the proceedings of parishes under this Bill.

The Lord Chancellor did not think

that, in one respect, there was the slightest difference between them; and, in the instance to which he alluded, he would maintain, that parishes would exercise an act of legislation precisely similar to that which was exercised by their Lordships. When the present Bill was passed, its adoption would be left optional with the various parishes in the kingdom. Now, the voting this Act to be the law in any parish would be an act of legislation in the strictest sense of the word. If such an act was not a legislative one, he did not know the distinction.

Lord *Wynford* was of opinion, that the Churchwardens should calculate the number of those that actually voted, and that two-thirds of them, under the regulation proposed by the noble Earl (Haddington), should carry the question. He also thought, that there should be a scale of votes, graduated according to the amount of property assessed, and that, for every 25*l.* for which an individual was rated, beyond the original assessment from which he derived his first vote, he should be entitled to an additional vote, limiting the number of votes to which any individual could thus become entitled, to six.

Viscount *Melbourne* said, that as he was about to address the Committee on the Bill, he would include the proposition made by a noble Lord on Saturday, by which he proposed the rate-payers of each parish should possess votes according to the sums they were respectively rated at in the parish books. For instance, the person who was assessed at 50*l.* a-year had one vote; at 75*l.* he had two; and so on for each 25*l.* until it amounted to six votes, to more than which no one person was to be entitled. Now, he would at once fairly state, that he could not approve of those new devices in elections, and he considered that the plan of voting according to property was liable to every objection which had been raised against the principles of Representation lately introduced by his colleagues. The principle of voting according to property, and not on population, was altogether new. He would not open the Reform question, but he thought the principle of voting in parishes might be regulated on the same basis as that introduced in the Bill to which he alluded. According to the original basis of Representation, property was not the standard; for instance, Rutlandshire sent as many Members as the

largest county. In the county, freeholders had the right to vote: in boroughs, the payer of scot and lot; and the idea of a graduated scale of voting at elections was as new and unprecedented as any alteration proposed by the Reform Bill. He thought that it was founded on an erroneous principle, and that it would prove to be most prejudicial in practice. It attacked the principle on which the whole functions of Government stood. That the majority should bind the minority was a wise and just rule. If there be any thing in the foundation of Government which gave stability to human affairs, it was this principle. But the proposition now advanced set forth a different order of things, and it would establish the power of the minority over the majority; and ten persons possessed of six votes each would outnumber fifty-nine who had only one qualification each. Was there ever such a receipt for discontent drawn up as this? Was there ever a proposition more pregnant with quarrels and confusion? But, in fact, the principle was not fully sustained, for there might be persons among the fifty-nine of greater property than the ten who had outvoted them. A tradesman might have very large and showy premises, and be highly assessed, but still his circumstances might not be flourishing, and he might be actually working at a loss; while another tradesman, who had retired after realizing a considerable fortune, might live near him in a small tenement, which would be rated considerably less than the other, yet, according to the principle now suggested, the poor man would outvote the rich man. The principle had never come under his consideration before, but the objections to it were palpable and decided. In his opinion, it would produce discontent, and prevent what was much to be desired in human affairs—stability and certainty. He was perfectly convinced, that their Lordships would counteract the object they had in view, if the principle contended for by the noble Lords opposite were introduced into the Bill now before the Committee.

The Earl of *Falmouth* said, the noble Viscount was wrong if he imagined this was a new principle which it was desirable to have introduced into the Bill. The principle, in his opinion, ought to be adopted: it would prevent great mischief, which he was confident would arise should the Bill pass into a law as it now stood.

He begged to remind the noble Viscount and the Committee, that on an important measure, which had recently passed their Lordships House (he meant the Tithe-composition Act), it was made necessary that not only two-thirds of the persons concerned should concur before it could be adopted, but also two-thirds of the value.

Lord *Wynford* suggested, that there were three-fifths required, both as to number and value.

The Earl of *Falmouth* was obliged to the noble and learned Lord. It was highly necessary that there should be a considerable majority of parishioners to make any considerable change in parish proceedings. Persons connected with parish affairs knew well, that there was a great deal of trickery and jobbing; and he thought that, before such a measure as this was received, a large majority, as respected both the property and numbers in the parish, ought to be required.

Viscount *Melbourne*, in explanation, said that what he meant with respect to the adoption of the principle was, that it was comparatively of modern origin.

Lord *Wynford* said, that the principle had been known and recognized for a long time. It was applied to the case of the Bank of England, and to the East-India Company. The right of voting had simply in those instances a reference to property. There ought, in his opinion, to be a graduated scale by which the parishioners should have votes according to their property. If the noble Viscount meant to reject the proposal for a graduated scale, he would divide the Committee on the clause.

The Earl of *Shaftesbury* suggested, that the best way, he thought, would be, to defer the division until the report was to be received.

Lord *Wynford* had no objection whatever to take that course. He thought, that a person who was rated at 10*l.* a-year, and who might be a payer one week and a receiver another, ought not to have as much influence in parish matters as a person who was rated at 1,000*l.* a-year.

The Duke of *Wellington* said, that the noble and learned Lord on the Woolsack had spoken of parish meetings discussing whether they would adopt the Bill or not. It was impossible for meetings consisting of 2,000 or 3,000 persons to discuss any such matters. As he understood, the Bill had been originated in consequence of certain parishes in the metropolis being

dissatisfied with the Select Vestry system which now prevailed.

Viscount *Melbourne* said, that the dissatisfaction was not confined to parishes in London, but extended to several large towns, such as Bristol and Birmingham.

The Duke of *Wellington* said, that the complaint, he believed, chiefly rested with the metropolis. He should be glad to know, why their Lordships should be called upon to repeal Mr. Sturges Bourne's Act, which had worked well, and, taking the country generally, was much approved of. That Act had given great satisfaction to the country; but, if it were necessary to alter the law at all, why not confine the alteration to the metropolis where the dissatisfaction was felt? He agreed with the noble and learned Lord near him (Lord *Wynford*), that the vote for parish vestries was very different from that for electing Members of Parliament, as far as the principle of both was concerned. By the law, as it now stood, every man had a right to attend a Vestry and vote; but, owing to the large size of parishes, it was convenient, and indeed necessary, to have another mode introduced to carry on the affairs of the parish—that was to say, a Select Vestry, for the purpose of regulating, distributing, and accounting for, the rates. To regulate that matter, Mr. Sturges Bourne's Act was passed, but it related solely to the country, and let that be applied to the metropolis. What objection was there to that? Why it was said, there must be a meeting of the rate-payers to decide whether the Bill should be adopted or not. The optional clause of the Bill was, in his opinion, most objectionable. It would be cause for excitement and agitation; and he repeated, that it would be far better to extend Mr. Sturges Bourne's Act at once to the metropolis than pass this Bill.

The Earl of *Haddington* said, his suggestion having given rise to this discussion, he begged to add a few words. If he understood rightly the operation of Mr. Sturges Bourne's Act, it had no application to any parish regulated by a local Act, unless expressly applied to it. If the law were defective, it would have been infinitely better to introduce a Bill for the metropolis only, in preference to making the alteration general throughout the country. He felt a difficulty in the matter, because, if the Bill were rejected, the metropolis would be left in a state of excite-

ment and discontent with regard to the Vestry system. He did not oppose the Bill, but the object of his motion was, to prevent a small number of parishioners from forcing the Bill upon an unwilling parish. His amendment was this—to leave out the words, “of two-thirds of all the rate-payers of this parish have been given in favour of the adoption of the said Act,” for the purpose of adding the words, “Provided always, that the majority of two-thirds of the votes given in favour of the adoption of the said Act of Parliament, shall constitute a clear majority of the rate-payers of the parish.”

Viscount *Melbourne* had no objection to adopt the amendment of the noble Earl, but he could not consent to the amendment of the noble and learned Lord, or to adopt the suggestion of the noble Duke. He begged to inform the Committee, that the dissatisfaction to the Vestry system was not confined to the metropolis, but was experienced at Bristol, Birmingham, and other large towns. He was anxious to remedy the evils which had given rise to the discontent which now pervaded so many parishes. Abuses to a considerable extent were complained of, and rates, in many parishes, had been increased; but he wished it to be understood, that increase of rates did not imply misconduct on the part of the Select Vestries. Considering the length of time which this Bill had been before Parliament, without imputing obstinacy to those who opposed its provisions (for he wished not to be considered as casting censure upon any one) he really thought ample time had been given to consider its merits, and he would venture to express a hope, that their Lordships would allow it to pass.

The Earl of *Falmouth* said, he saw no reason why the operation of this Bill should not be confined to Bristol and Birmingham, and the large towns, where objections to the present law were entertained, without making its provisions general. He begged to ask the noble Viscount, whether complaints had reached him from many parishes? In parishes in which he (Lord *Falmouth*) possessed property, he would assure their Lordships, that the system, as it now stood, worked well, and was not complained of, but, on the contrary, persons in general were satisfied with it.

The Earl of *Harrowby* confessed that he had not paid much attention to the

subject now under consideration; and the information which he possessed was chiefly derived from the conversation he had joined in. But the Bill appeared to him open to many objections. The great measure which had engrossed their Lordships' minds during the last six months would, he hoped, be taken partly as an excuse for his not having paid that attention to the present Bill which the subject warranted. What he would venture to suggest was, that Mr. Sturges Bourne's Act should be made applicable to the parishes in the metropolis, and to the great towns throughout the Kingdom, repealing the local enactments by which parishes in these towns are governed, by one single short enactment. He thought this would lead gradually to a change, and all changes of this nature ought to be progressive. In the interim between the present and the next Parliament, the Bill might be examined and considered. He was anxious to see property duly represented in parishes. In the Reform Bill the principle of property, as well as population, was regarded; and he thought that property ought to be also attended to in any measure proposed to alter the law respecting the regulation of Select Vestries.

Viscount Melbourne was not prepared to adopt the suggestion of the noble Earl, not having considered what would be the effect of repealing the local Acts alluded to. He was quite sure, however, that the effect of the noble Earl's recommendation would be, to create great dissatisfaction if their Lordships were to attempt to carry it into execution by compulsory means, and he was convinced Mr. Sturges Bourne's Act would never be voluntarily adopted. He felt all the inconvenience of discussing this question at the end of the Session, and he concurred in what the noble Earl had stated as to the all-engrossing subject which had necessarily occupied their Lordships' minds, to the exclusion of other important topics—so that the attention which they required had not been given to them. He begged to add, that he felt the necessity of passing the Bill, in order to prevent embarrassment, which he apprehended might arise; and, at all events, it would put an end to that dissatisfaction which was felt, as he had already stated, and which he assured their Lordships was felt to a great extent.

The Earl of Falmouth said, he must repeat his objections to adopting the Bill in

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other places than in those towns which had been enumerated, or where complaints against the present plan of Select Vestries existed. He begged again to inquire whether the noble Viscount had heard any objections from rural parishes, as well as large towns? If the Bill were to be adopted, why not confine it solely to the towns where complaints had been made?

Viscount Melbourne begged to apologize for not answering the noble Earl's question when he spoke before. He must say that he had not received any complaints from country parishes against the system as it now existed. Having admitted this, however, he should be excused adding that the noble Earl must be aware, that in the country a great deal of dissatisfaction and discontent prevailed. And with respect to the noble Earl's suggestion, as to adopting the Bill only for those towns from whence complaints had sprung, he really saw no means of doing that, except by naming the towns in the Bill—a course to which he would not give his assent. It was not compulsory on any parish to adopt the Bill; on the contrary it was expressly provided, that a majority of rate payers must agree to it before it could be adopted.

The Earl of Falmouth considered it would be quite easy to apply the Bill to the large towns and cities where the evils complained of were said to prevail. This would be limiting the remedy to the disease. But he must persist in objecting to extending the Bill to rural parishes.

The Amendment of the Earl of Hadington agreed to.

On the qualification clause being read,

The Earl of Delawarr said, he rose to propose an amendment by adopting which there would be introduced a graduated scale of voting agreeably to property, varying from one vote to six, which he was prepared to contend was necessary, in order to give a due and proper influence to property. He knew that in the parish of St. George, Hanover-square, the system of the Select Vestry worked well, and to the satisfaction of the inhabitants. He thought that property was not sufficiently regarded in the Bill, and that great mischief would ensue were it adopted in its present shape. He should move, that the amendment made in the Select Committee as follows be part of the Bill; "And, be it further enacted, that in the election of all such vestrymen and auditors,

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consider what those alterations should be ; but he distinctly added that he would never be a party to, or recommend any measure of Reform, which was not founded on similar principles, and as effective as regarded its declared object, as that which was lately before Parliament. This was the whole of what passed between him and the delegates from the parishes, except that when they represented to him that if satisfaction was not given to the public, as to the length of time on which Parliament was to be prorogued, it would tend to increase the agitation and excitement which prevailed ; he felt himself called upon to inform those who communicated with him that it was their duty to use all the means in their power to repress agitation and excitement, and to keep the people in obedience to the laws of the country, that the Ministers might not be placed in the painful situation of being compelled to use those powers which, as a Government, it was their duty to use for the preservation of the public peace. With respect to the prorogation, he would only say, that whatever might be the length of the period to which his Majesty's Ministers thought it their duty to recommend his Majesty to prorogue Parliament, it would be regulated by a sincere desire to do that which they considered most conducive to the advancement of the great measure of Parliamentary Reform. It must be considered, however, that there were limits to human strength. From the month of October last, with a short intermission, more fatiguing, perhaps, than even the sitting of Parliament, his Majesty's Ministers had been engaged in anxious and laborious occupation. His noble friend on the Woolsack, for instance, had gone through a degree of labour, in that House and out of it, which nothing but his extraordinary strength of mind and body could have enabled him to go through. In the other House, two noble friends of his, on whom the business of conducting the Reform Bill peculiarly devolved, besides the duties of their offices, had been in constant attendance in the House of Commons, early and late, during the last three months. His noble friend, the Chancellor of the Exchequer, particularly, had been compelled to devote his time incessantly to the discharge of his public duties. Many Members of Parliament, too, had private business which required attention, and it could not

be expected that they should give up their private concerns altogether, or do without some relaxation. At the same time he fully admitted that every other consideration should yield to a sense of public duty. Whatever that required, he and his colleagues would advise ; but they had a right to claim credit to this extent, that whether they were to think it expedient to recommend the prorogation of Parliament for the usual time or not, they did proceed with a sincere desire to effect the great object they had in view—the measure of Reform ; and he felt after all that had passed, that he did not call on his fellow-countrymen for too much, when he asked them to wait patiently before they pronounced a censure on what might not appear to them quite conformable with the promotion of this great measure, though it might ultimately tend to it. He felt that he had said a great deal on this subject, more, perhaps, than was necessary. He asked pardon for the defective manner in which, he feared, he had laid the financial part of this statement before their Lordships ; but then they were aware that he was not accustomed to those statements. He hoped, however, that he had sufficiently shewn the result—founded on a knowledge of the receipts and expenditure of the three last quarters, that there was a surplus revenue of 493,000*l*. If he had wished, he might have stated the result more advantageously to himself, and made the excess appear greater. Thanking their Lordships for their indulgence, he should now conclude, hoping that if anything occurred, in the course of debate calling for it, he should be allowed again to address them.

The Duke of Wellington was happy to find the noble Earl thought himself justified in denying some part of his statement, and that the noble Earl calculated upon a larger surplus than he had given credit for. He was also glad to hear the negotiations relating to Belgium and Holland were likely to be brought to a successful termination. As to the excitement to which the noble Earl had alluded, this was not the time to go into the question. He agreed however with the noble Earl, that it was greatly to be lamented, but he had his own opinions as to the causes of it. He trusted, however, noble Lords and hon. Gentlemen of the other House would be careful how they promoted it by speeches either in or out of Parliament.

The Lord Chancellor said, in consequence of attempts that were most pertinaciously made to induce a belief that there existed a difference of opinion between his noble friend (Earl Grey) and himself upon the subject of Reform; he would take that opportunity to repeat, that he heartily and fully concurred in all the remarks made by his noble friend. He had expressed the same sentiments before, but this had not induced certain persons to desist from misrepresentation; he spoke in the presence of his colleagues, and he would declare, there had never been the slightest difference of opinion between his noble friend and himself respecting the most minute details of the Bill—he would not say the principle, for as to that, it must be evident they all agreed; but he would say, even the smallest particular of it. He had only to add on the subject of the recess, that he had no apprehensions from the impatience of two or three individuals, well disposed and respectable persons, no doubt, and most zealous for the success of the Reform Bill, but who in recommending a prorogation for a week, certainly did not display a “zeal according to knowledge.” He must declare his opinion, that for the Session to recommence after so brief an interval, and to expect his noble friends in another place to renew their advocacy of the measure was physically impossible—human strength could not endure it. After having given three months, day and night, to deliberation and discussion, it was positively necessary, that some considerable relaxation should be had. None felt more than he did the impossibility of continuing such exertions. It was about twelve months since he began hard work in London, and during that whole time he had enjoyed no respite with the exception of two days at Christmas and Easter. During that period he had been occupied from six o'clock in the morning till midnight; and if any man was so unreasonable as to say, he ought not to be allowed a little repose, with that man he would not stop to argue. He would throw himself on the good sense and kind feeling of his countrymen, and he was confident they would not bring in a verdict of Guilty. Whatever advice should be offered as to the time of prorogation, the people of England might rest assured, that it would be given on a solemn principle of public duty, and with a view to the carrying of that measure to which

none could feel more devoted than he and his colleagues. The public would see when that measure was again brought before Parliament, the candour with which they had acted, and that the period that would intervene was no longer than was required, he would not say in justice, but in mercy.

Bill read a third time and passed.

## HOUSE OF COMMONS,

Monday, October 17, 1831.

MINUTES.] Bills brought in. By Lord Viscount DUNCANNOON, to enable Churchwardens and Overseers to enclose Lands belonging to the Crown for the benefit of Poor Persons residing in the parishes where such Crown Lands are situated. Read a third time; Interleaver.

Returns ordered. On the Motion of Mr. HUNT, of all the Expenses incurred in holding the late Special Commissions:—On the Motion of Colonel EVANS, of the Expense of the Military Asylums of Chelsea, Isle of Wight, Southampton, &c., from the first establishment to 31st December, 1830:—On the Motion of Mr. RUTHVEN, of the Fees received by the Commissioners of Bankrupts in Dublin, for the year 1829, 1830, and 1831, ending the 31st March in each year; of the Emoluments received by the Secretary and Clerk of Emoluments during the same time, and of all sums paid for Sealing Commissions, for the same time, distinguishing each year:—On the Motion of Mr. POWLETT THOMSON, the quantity of unrefined Sugar entered for Home Consumption, and the duty paid thereon from 1815 to 1831.

Petitions presented. By Mr. DOMINIC BROWNE, from Landowners, Merchants, and others, of Newtownsmith, for the extension of the Elective Franchise of Galway to Catholics.

GENERAL REGISTRY BILL.] Mr. Blamire, in presenting a Petition from certain Freeholders near Cockermonth, in the County of Cumberland, against the General Registry Bill, stated, that his Constituents were very adverse to the measure, because they apprehended that they would be obliged to send their title-deeds to London; that a great expense would be incurred by landowners in the remote parts of the kingdom, in searching the register; that it would be necessary to employ London solicitors in all transactions of sale and mortgage arising in the country; from the minute divisions of property in Cumberland, it would cause so much expense as wholly to prevent the transfer of small estates, and that, from there being so many persons in Cumberland of the same name, the index to the register would afford no information. They were not aware of any instances of estates being lost by concealed deeds. But there was a grievance felt there, which if it could be cured by a clause in the Bill, his constituents would be willing to agree to all the inconveniences of registration, which was, that almost every estate was held by



mixed tenures of copyhold, freehold, and customary freehold; and as the boundaries of the land held by each tenure could not be pointed out, no good title could be made, and the seller was always at the mercy of the purchaser.

Mr. *John Campbell* said, this petition was a fresh proof that the Register Bill was opposed from being misrepresented or misunderstood. A Metropolitan-office was preferred to offices in every county, for the sake of economy, uniformity of practice, and facility of search; but every landowner would continue to keep his deeds in his own muniment-room. A copy (exempted from Stamp duty) would be sent to the Register-office, and this was found upon calculation to be cheaper than a memorial, while it would be much more useful. Regulations were introduced into the Bill for equalizing expense in transactions over the whole kingdom, so that registration upon the sale of an estate in Cumberland would not cost more than if it were in Surrey. The solicitor in the country would correspond directly through the Post-office with the Register-office, both as to searches and the registration of deeds, and the employment of any solicitor or agent in London would be wholly unnecessary. The very difficulty pointed out, arising from the frequent occurrence of the same name, was met by the Bill; for, instead of an index of names of grantors, there was to be a symbolical index, upon the principle of a ledger; and a single page would show with absolute certainty, all the deeds affecting any particular lands. If the petitioners would read the evidence laid before the Real Property Commissioners, they would find that instances were constantly occurring, *bona fide* purchasers being turned out of possession by suppressed deeds being brought forward; and that in every transaction of sale or mortgage, the expense is enormously increased by the precautions resorted to for the purpose of guarding against this danger, which must always exist till a register is established. With respect to the evil arising from diversity of tenure, it was one of a totally different nature, and could not be met by this measure; but in a future Session of Parliament, it was his intention to introduce a Bill which would be an effectual remedy; for the operation of it would be, that all the land in England would in time be held by one tenure,—viz., free and common soccage.

Mr. *Blamire* felt it necessary to return his thanks to the hon. and learned Gentleman for his explanation. There was one point, however, on which he wished to set himself right: the petitioners did not mean to state, that no instances of fraud had occurred from concealed deeds, but that they knew of no such instances.

Mr. *Burge* was fully convinced that no professional man in the country would be satisfied, unless his town-agent went to the Register-office and searched for information himself.

Mr. *John Campbell* assured the hon. and learned Member, there would be no such necessity. The Officer at the Register-office, on application, would copy from the Record all the information that was required, indeed it would be impossible for any Attorney to obtain by personal application more information than could be communicated by the Register in writing.

Petition to be printed.

ADMINISTRATION OF OATHS.] Mr. *Wilks* presented a Petition from a Congregation of Dissenters at Salisbury, praying that the administration of Oaths might be altered.

Mr. *Cutlar Fergusson* hoped this important subject would soon be brought under the distinct attention of the House. There were many oaths which could safely be abrogated; one of the most absurd was that which was required to be taken by Protestant Members of that House, who were compelled to swear it was not in the power of the Pope to absolve subjects from their allegiance. But the most whimsical part of the ceremony was, that Catholics, who were the only persons who were supposed to put faith in the doctrine, were not required to take the oath. This subject had never received the large and liberal consideration it deserved. He hoped Parliament would soon come to the conclusion that the multiplicity of oaths only tended to weaken the moral influence of the obligation which they imposed; his opinion was, that all the oaths to be taken by official persons ought to be reduced to one, and that one should be the Oath of Allegiance.

Mr. *Wilks*, in moving that the petition be printed, said, he concurred fully in the remarks made by the hon. and learned Member, and as a proof of the necessity of some amendment being made on this subject, he must beg to inform the House,

that by certain Bills which had lately passed, 300,000 oaths which had been previously taken annually at the Excise and Custom Offices were abolished. He knew a person who declared that he had taken upwards of 1000 such oaths, and had never inquired as to the object of any of them.

Petition to be printed.

**PILGRIM TAX.]** Mr. *Wilks* presented a Petition from Protestant Dissenters at Reading, for the extension of civil rights to the inhabitants of India, and for the suppression of the Pilgrim Tax. A discussion had recently taken place upon this latter part of the subject, as to whether Hindoos on becoming Christians forfeited their property, and considerable doubts prevailed upon the point; but from information which he had recently received from Calcutta, he could affirm, that a Hindoo on becoming a Christian, was condemned by British Judges in India to the forfeiture of his property.

Mr. *Cutlar Fergusson* said, in consequence of the former discussion, he had examined all the authorities on the subject, and he could discover no one instance of a native of India losing his inheritance on becoming a Christian. He was quite sure no Court of Law, in a country where Christian government was established, would condemn a man to the forfeiture of his property on adopting the religion of the Government. According to the Hindoo laws, a man must be perfect before he could inherit property; if he was lame, blind, or imbecile in mind, he was excluded. These laws, however, were never enforced. He had known an instance of a person who was blind, who had recovered an estate worth 30,000 rupees; and no one had ventured to object, on account of his infirmity, although the letter of the law was clearly against him. And so it would be ruled, should any such application be made to a Court on a man becoming a Christian; it was perfectly impossible that a British Judge could decree that a man was to lose his inheritance from embracing the Christian religion.

Mr. *Wilks* believed, notwithstanding the great deference due to the hon. and learned Member's authority, that the hon. Member was mistaken on the subject. He had known cases in India, in which persons would not even try the question, and had given up considerable property,

because they were fully convinced the law was clear against them. One individual alone, in Calcutta, had abandoned property to the amount of a lack of rupees, about 12,000*l.*, on this point alone, without making any attempt whatever to retain it.

Mr. *Cutlar Fergusson* said, if persons felt themselves aggrieved in this respect, they would of course make application to the local government of British India, which had the power to make and amend the laws and regulations for the administration of property, both of Hindoos and Mahometans, being the subjects of their government, and under their jurisdiction. That circumstance all those persons well knew, and the records of India would consequently shew whether any applications had been made on the point. In the absence of any such application (for he could take it upon himself to say none such existed) it was but fair to infer, that the grievance did not exist. If it did exist, persons should apply to the local governments in India which had the power to afford them redress.

Petition to be printed.

**REFORM—PETITIONS.]** Mr. *Dominick Browne* presented a Petition from Galway for the speedy passing of the Reform Bill. He wished to observe, that there was a unanimous feeling in Ireland in favour of the Bill. It was universally hoped, that Ministers would not relax in their exertions until they had carried a question which the great mass of the community expected would produce great benefit to both countries.

Mr. *Hunt* said, that as he was not acquainted with Ireland, he would not deny the assertion of the hon. Member; but they had had the same assertion made with respect to England, and he knew that that was not the fact. It was only the corrupt Press that represented the feeling as universal in favour of the Bill. The other day, there was a meeting at Birmingham, said to consist of a 150,000 persons; and as that meeting was in favour of the Bill, the Press made the most of it. But there was also, the other day, as large a meeting at Manchester, which had been called by the Whigs, but at which they had been completely beaten, and therefore the account of it was almost suppressed by the public papers. What they did state of it was

wrong. They said that the meeting was in favour of the Reform Bill, but the truth was, that an amendment was carried, and the meeting had petitioned for Universal Suffrage, Annual Parliaments, and Vote by Ballot; and Lord Grey was requested to present a Petition, founded on these resolutions, to his Majesty. In all probability, however, they would hear no more of the petition, as it was opposed to the measure brought forward by Ministers. Instead of the flags at the meeting, as it was asserted, having the words "The Reform Bill," "William 4th and the Ministers;" they had the words "Universal Suffrage," "Annual Parliaments," and "Vote by Ballot."

Sir *John Bourke* said, as a proof that there was almost a universal feeling in Ireland in favour of the Reform Bill, he must state, that he had recently been at a meeting in Ballinasloe of all the gentry and landed proprietors of that part of the country, and he never saw a greater degree of anxiety evinced in favour of any measure than was there evinced in favour of the Reform Bill.

Mr. *Dominick Browne*, in reference to the remarks of the hon. member for Preston, felt himself called upon to repeat, that the great majority of the people of Ireland were in favour of Reform. He could distinctly affirm, that was the case in the county he had the honour to represent. The same feeling was prevalent among all classes and sects. The only drawback upon the feeling being universal was, a wish that more Representatives should have been allotted to that county.

Mr. *Sheil* said, the sentiments of the people of Ireland generally could be gathered from the fact, that there was not one of their real Representatives who were opposed to the Bill. There could be no doubt there were many persons in Ireland opposed to the Bill, but they were persons having an interest in the borough system, and distinct interests from the people. To show how that system worked in Ireland, he might mention, that the present and the three preceding members for Dundalk were in no way whatever connected with that town, and that one of these Gentlemen had actually never seen it, and yet it deserved a better system of Representation attached to it, for the place contained 15,000 Catholic inhabitants, and had an annual export trade to the

amount of half a million. He agreed perfectly with the hon. Members who had spoken before. Ireland undoubtedly ought to have at least 150 Representatives, taking into account the amount of its relative population to that of the whole empire.

Sir *Richard Vyvyan* did not think that the amount of population alone was a reason in favour of the extension of Members to Ireland, as to the borough of Dundalk, such places were often of great advantage, as they brought to Parliament Irish Members, and he might mention the recent case of Milbourn Port as an instance. Did hon. Gentlemen who set up that plea consider the amount of population in British India. If the measure had been framed only on the basis of population, they might claim Members, but that was not the case, property was also taken into consideration, and Ireland had her fair share of Members in proportion to her contributions to the general revenue.

Mr. *Ruthven* said, he was surprised at the inconsistency of the hon. member for Preston, who seemed to have joined the Tories in making attacks upon the late measure of Reform. That Bill had met the approval of the great body of the Irish people; but he, in common with the great body of his countrymen, laid claim to a large increase of Representatives for Ireland.

Mr. *Leader* agreed with the honourable Baronet, the member for Oakhampton, that revenue and property should be considered as tests for Representation as well as population. Besides the amount paid into the Exchequer, on account of Ireland, there must be considered the immense sum, at least 4,000,000*l.*, sent annually to her absentee proprietors, which was chiefly spent in England, and in any fair measure of the allotment of Representatives, this sum must be taken into account. If that country was well governed, it might materially assist in contributing to the necessities of the whole kingdom; but its best energies were cramped by misgovernment, and it was too hard to hear the effects of that misgovernment alleged as a plea to deprive her of her rights.

Sir *Francis Burdett* said, that the talent, eloquence, and zeal of Members from Ireland in that House had often contributed to the success of the most useful measures. The cause of Reform especially was greatly indebted to some of

these Gentlemen. He regretted that the hon. member for Preston, and other Gentlemen who sat near that hon. Member, availed themselves of every opportunity to embarrass the business of the House, and to impede the progress of Reform. He thought the alliance which that hon. Member had formed was most unnatural; nor could he understand how that Gentleman reconciled his votes with his speeches. The hon. Member's conduct was very different from that of all the true friends of Reform throughout the country. All those who were sincerely desirous of Reform had determined to accept that measure which gave the best chance of being carried into effect; and when such a measure was offered to them, they, with the greatest wisdom and prudence, concurred in supporting it, and each of them gave up his own favourite plan. It seemed to him to be most extraordinary, that any friend to Reform could decline to support the only measure which had a good prospect of success, and should persist in calling for another measure which could have no chance of being carried into effect. He thought the conduct of all the other Reformers was much more sincere and judicious. They were unanimous in favour of the Reform Bill, to a degree such as never had been witnessed before in this country upon any public question.

Mr. Hunt said, the hon. Baronet had accused him of forming an unnatural alliance with Gentlemen on that (the Opposition) side. Now, was it not the fact that he had always voted against them? As to his inconsistency on the subject of the Reform Bill, the hon. Baronet must know very well that he expressed the same opinion on that Bill on the first day that he spoke about it as on the last day. He did not think it a sufficient measure, and he said the first day that the people would be dissatisfied with it. But still he voted for it, as he would have done if it did not go half so far; and he would have voted for any measure that went to remove even a part of the abuses in the Representation. The hon. Baronet could not fairly blame him for not supporting the Whigs, for it was the hon. Baronet who taught him to distrust them, when the hon. Baronet used to talk of the Constitution being crucified between the two thieves. It was from the hon. Baronet that he had learned his political creed;

and it was not he, but the hon. Baronet himself, that had changed sides. What sort of alliance did the hon. Baronet form when he, the advocate of short Parliaments and Universal Suffrage, became the supporter of Mr. Canning, and was seen sticking his knees into that right hon. person's back, after his declaration that he would to the last hour of his life resist Reform in every shape? He had been sent to the House to do his duty to his constituents and to the country, and he would never allow it to be said that it was a sufficient Reform which gave the suffrage to no more than one-seventh of the whole male population. Since the years 1806 and 1807, when the Whigs were in power, he had adhered to the creed which the hon. Baronet had taught him. He had never been a Whig, nor professed to be a Whig; but, on the contrary, he had always said, that, bad as were the Tories, they were still better than the Whigs.

Sir John Newport said, that if the hon. member for Preston's declaration were to receive credence, it would appear that he alone spoke the sentiments of the people; and that he alone, of all the Members of that House, was their real Representative; so that he stood in the situation of being an universal Member—a position in which he did not feel disposed to allow the hon. Member to stand. He must remark, however, that he rose for the purpose of replying to an assertion of an hon. Baronet (Sir R. Vyvyan), who contended that Ireland had not contributed her fair proportion to the burthens of the State. Now he must say, that he could prove, by reference to an authority of undeniable weight, that Ireland had not only paid her proportion, but had paid a sum towards the public burthens much exceeding her proportion of the weight, and this fact would be found in the Report of the Committee, at the head of which was Lord Bexley, which had been appointed in the year 1816, for the purpose of inquiring into the subject of Finance.

Sir Richard Vyvyan said, that he had been misunderstood, for he had confined his remarks to the statement of a simple fact—namely, that in his opinion, Ireland did not contribute so large a proportion to the public burthens as to entitle her to a larger share of Representation than she now possessed.

Sir John Newport said, that he had

certainly not understood the hon. Baronet's observation to be so confined as he had then explained it.

Sir *Richard Vyvyan* assured the hon. Baronet, that he had been misunderstood, what he had repeated was the full substance of his former remark.

Colonel *Trench* said, he must corroborate the hon. Baronet in the denial he had given of the observations imputed to him. He was prepared to admit, that the people had been carried away by the delusions which had been practised on them with regard to the Reform Bill; but they were fast coming to their senses. He must also remark, that the Press was daily becoming more licentious and abusive with respect to the Bill. He himself had seen a paper that day, at the head of which was a gallows, and three Bishops suspended from it, the contents of which pointed out to the people that they ought thus to take vengeance on that body for having contributed to throw out the Bill. He did not mean to say that Government ought to take any measures with respect to these publications: but he did really think that they had of late given an indirect and tacit encouragement and sanction to such attacks from the Press.

Mr. *Dominick Browne*, in moving that the petition be printed, said, he must object very strongly to the sentiments expressed by the hon. Baronet (Sir Richard Vyvyan) on the subject of the contribution of Ireland towards the demands of the State. He wholly denied the correctness of the assumption of the hon. Baronet.

Sir *Francis Burdett* looked upon the two factions of Whig and Tory to be now nearly extinct in everything but the name, and he believed that the Reform Bill would put an end to them altogether. It was true that he supported Mr. Canning, when that right hon. Gentleman, in consequence of his intentions in favour of religious liberty, was deserted by his party, who pulled the best feather from their own wing when they drove Mr. Canning from their side, and they ever afterwards made but a bad flight—something between a hawk and a buzzard. But the hon. member for Preston who now attacked him (Sir Francis Burdett) must be well aware, that he supported Mr. Canning for the purpose of enabling that Minister to carry the great measure of Catholic Emancipation. On the same grounds, and with

just the same inconsistency, he had supported the Administration of the Duke of Wellington and Mr. Peel, by whom that great measure of civil and religious liberty was successfully carried through. He had always looked upon the system of religious disabilities, which was then abolished, as the great stumbling block which it was necessary to remove before they could ever be able to proceed to Parliamentary Reform. He would go further, and assure the hon. Member, that if the Duke of Wellington and Mr. Peel had gone on in the way in which they had set out, he would have continued to give them his support. If there were now any set of men in the country who thought that the Reform Bill did not go far enough, he thought it would be a sufficient answer to them to say, that no more extensive measure could be carried into effect, although no measure less efficient would be offered. It seemed rather inconsistent of hon. Gentlemen opposite, in the same breath to blame his Majesty's Ministers for exciting the people, and to assert that the people were not excited. But the fact was, they represented the excitement of the people to be great or small, not as it really was, but just as it answered their own purposes. When the hon. and gallant Member opposite (Colonel Trench) said, that the people were now coming to their senses, of course he attributed their restoration to reason to the wise and temperate appeals that had been made to them, and to the conciliating language that had been employed by the hon. Gentleman's friends around him. But the excitement which prevailed, was only the excitement of anxious hope, that his Majesty's Ministers would adopt every measure which could assist them to carry the Bill. But if it were supposed by the country that Ministers would shrink from employing all the means in their power, they would lose all the regard and confidence, which, fortunately for the peace of the country, they now possessed. He thought that hon. Gentlemen were mistaken, if they supposed that there was any diminution of the feeling of the people upon the subject of the Reform Bill. On the contrary, their anxiety was wrought to the highest pitch, and the worst consequences would follow if anything were done to destroy their hopes, or to delay the realisation of them too long. It certainly could not be denied, that the Members of that House required some relaxa-

on from their Parliamentary labours, which had been for so many months unusually severe, and had nearly worn them out. But the period of relaxation should be made as short as possible, to put an end to the doubt and uncertainty which paralysed all business from one end of the country to another, and which, if protracted, would produce the most disastrous consequences.

Colonel *Sibthorp* contended, that the eagerness of the people for Reform had considerably abated; and he was surprised to hear the hon. Baronet make the contrary assertion. He had received several letters from various parts of the country, which fully bore him out in declaring, that many persons began to alter their opinions as they came to understand the measure.

Mr. *Hunt* said, he had not opposed the bill, but he objected to it because it did not go far enough. As to the hon. Baronet, the member for Westminster, the question he put to him was, did the hon. Baronet not continue to support Mr. *Lawrence* after that Minister had declared his hostility to all Reform. He believed the hon. Baronet could not deny that he had so done. As to the present Ministry, he had no scruple in saying, that, in his opinion; they had brought in the late Bill because they could not keep their places without introducing some such measure. The Duke of Wellington only gave way to circumstances, and had he continued in office, he must have seen the necessity of conceding on the question of Reform. The more he thought of the late measure, the more fully was he convinced it would not have satisfied the country. He trusted that the hon. Baronet, after the inconsistencies in his own conduct, would no more be guilty of the folly of charging him with having joined the Tories.

Mr. *Dominick Browne* begged to ask the hon. Baronet, the member for Oakhampton, what he had meant to say, that if Ireland was to return Members in proportion to her population, that the colonies had an equal claim to the same right.

Sir *Richard Vyvyan*, in answer to the hon. member for Mayo, wished to remark, that all he had said was, that if population only was the test of representation, any part of the empire might be taken.

Petition to be printed.

BANKRUPTCY COURT BILL — COM-  
OL. VIII. {Third}

MITTEE—FOURTH DAY.] The House went into a Committee upon the Bankruptcy Court Bill.

On the Clause being read which empowered a single Commissioner to refer a cause or appeal to a Court of Review or to a Court of Division,

Mr. *Warburton* objected to the Clause; he considered it placed too much authority in the hands of a single Commissioner.

The *Attorney-General* said, that upon consideration, some means might be resorted to for the purpose of meeting the difficulty. He was perfectly ready to adopt any that might be suggested. He would, however, make this observation, that the Commissioner might entertain reasonable and well-founded doubts, and ought, therefore, to be at liberty to adjourn the case, for the consideration of his brother Commissioners.

Sir *Charles Wetherell* said, that this power of referring or refusing to decide, and so postponing indefinitely, was the great evil to be complained of in the old system, and the new Bill only perpetuated that abuse.

The *Attorney-General* said, the power did not amount to compelling an appeal; it merely left him the power of postponing a case till he could have the benefit of the assistance of his brother Commissioners.

Mr. *Warburton* said, that was the very matter he complained of. The Commissioners had the power of sending cases into a Court in which attorneys could not plead, and counsel must be employed; thereby the expenses would be materially increased. Points of law might arise relating to small estates as well as large ones; and if one of these was brought before the Court of Review, one day's proceedings might swallow the whole assets. When a case was brought before a Commissioner, he should be qualified to decide it. A quick decision and individual responsibility, were the chief things required.

The *Attorney-General* was surprised to hear the hon. Gentleman make a remark which was, in effect, contending, that questions of law and equity ought to be decided in proportion to the value of the property in litigation. According to the present system, it was usual for a Commissioner to postpone a case until he could obtain the assistance of his fellows; but really this Bill did make a provision to meet the circumstance complained of, as there were

two jurisdictions to be established, either more or less expensive; and the Commissioner would, of course, refer the question at issue to that Court which was best adapted to settle the question according to the funds of the estate.

Clause agreed to.

On the Clause giving to the majority of Assignees the power to authorise an appeal,

Sir Charles Wetherell said, this was a new and novel mode of limiting the jurisdiction of the Court of Appeal. He objected to it, on the ground that it would alter some of the most important principles of equity-practices. As the law at present stood, the Chancellor had the power to refuse an appeal in a matter of fact, on his own discretion, but he was not compelled to do so; but by this clause, the judges appointed by it, were finally to decide upon all matters of fact without appeal. This was giving them too great a power.

Mr. Warburton differed wholly from the hon. and learned Gentleman. He approved of the plan, that the judges of the Court of Appeal should decide finally. There was one point, however, he wished to have altered, and that was, that when a case was remitted for a further trial, on the plea that evidence had been wrongfully rejected or received, it ought to be sent to another set of Commissioners, and not to those who had previously decided the case.

The Attorney-General said, his hon. and learned friend the member for Boroughbridge was in error, when he said the decision of the Court of Review was to be final, for from their decision an appeal might be had to a Jury.

Mr. Freshfield had been told by the hon. Gentleman who supported the Bill, that there was to be a two-fold appeal, but here there was only one, for there was to be no appeal from the inferences drawn upon matters of fact by the Commissioners, which was giving them a power superior to the Judges of any other Court, against whose judgment a bill of exceptions could be tendered.

The Solicitor-General said, an appeal could be made from the Commissioners' judgment on a point of law, but a Jury would find as to the facts. If a case was not referred to a Jury, that in itself would be a sufficient proof that the parties themselves agreed as to the facts, and were satisfied with the decision of the Commissioners.

Mr. Paget said, that under the Bill, the official assignees might control the others in the matter of appeals. This, he thought, was giving them too much power.

The Attorney-General would agree to diminish that power, if, upon consideration, it appeared expedient.

Sir Charles Wetherell said, there could be no doubt but that the Commissioners would have more power than any other Judges of the land, except the Lord Chancellor. He would say no more of that part of the clause which had been postponed, but he must again declare, that, in his opinion, these Commissioners ought not to have the power to direct issues to be decided by a Jury when they thought proper, as he believed it would operate as a premium for them to send all cases to a Jury, instead of taking the responsibility of deciding them themselves.

The Attorney-General said, there were only two cases where the Commissioners had the power to send cases to an issue; these were by the assent of both parties, or by deciding when called upon by one of the parties for an opinion, to say whether the case was fit to go to an issue. If the Commissioner decided at once and was wrong, he would certainly hear of it from his brethren the next day, or if he was in the habit of remitting cases for the opinion of Juries which were of trifling consequence or easy of decision, the same measure would also be dealt out to him; so that they had pretty good security against the Commissioners falling into either extreme.

Mr. Hunt heard quite enough to convince him that the Bill would not work well, and when the public found that out, they might also learn that it was discussed in a House of about thirty Members.

Mr. Warburton said, the effect of these appeals, would be endless expense and delay. It was provided, that if one of the parties and the Commissioner agreed, there was ground for an issue. There must be one, unless the other parties appealed against it to the Court of Review, which must lead to expense and litigation.

Mr. John Campbell said, a Court without an appeal from its decisions, was an anomaly in our system of law. Too many appeals on the other hand were bad. Looking at the clause as a whole, with these views, he thought it would answer the purpose for which it was intended, and would work well.

Clause agreed to.

On a Clause relating to the new trial of issues being moved,

Sir Charles Wetherell said, he wished to have an appeal to the Lord Chancellor by this clause.

Mr. Warburton disliked the whole system of these appeals; the suitor would have more than enough of these shuttlecock proceedings, in being sent from Jury to Judge, and back again, without the help of the Lord Chancellor to play out the game.

Mr. Paget had no doubt appeals might be sport to the lawyers, but they were death to the suitors. He had been once concerned in a case of bankruptcy which got into Chancery, where it stuck fast twenty years; he therefore wished to keep his shuttlecock out of Chancery at any rate.

Clause agreed to.

On the question that the assignees may appoint the bankrupt to superintend the management of the estate,

Mr. Paget said, he understood that in every case the assignees were to have the power of managing the assets.

The Solicitor-General said, the clause was introduced, because it was thought that in certain cases, the bankrupt might exercise this power under the authority of the assignees and with their consent, much to the advantage of the estate.

Agreed to.

On the question that the Bankruptcy Court appoint official assignees to bankruptcies now existing, and removed into the Court, stand part of the Bill,

Mr. Warburton wished to know whether in those cases in which official assignees were to be appointed, together with assignees acting under existing Commissions, they would be entitled to a percentage? It had also been stated, that the parties interested, under existing Commissions, would not be entitled to partake of the benefit of the fees to be reduced. If they were not to have the benefit of the smaller charges, they certainly ought to be allowed to retain their own assignees.

The Solicitor-General said, the official assignees would have nothing to do with the management of such bankrupts' estate, they were merely to get in the assets.

Mr. Warburton begged to ask, how it was, that the assignees now conducting Commissions, were not to have the benefit of the reduced rate of charges? This was

an unfair proceeding, if assignees were to be called upon to give up all the effects now in their possession to the official assignee, they certainly ought to have the benefit of the reduced charges.

Mr. Wilkes said, it certainly appeared an absurd proceeding, to give these official assignees an *ex post facto* control over the existing Commissions.

Mr. Freshfield said, the object of the clause could be obtained, by directing the existing assignees to pay the assets of the estate into the Bank.

The Attorney-General said, the object of the appointment of official assignees was, to insure that responsible persons should have the control of the assets; if there were to be any exceptions to this authority, the powers of the Bill would be much cramped in its operations.

Mr. Paget said, it should be left to the creditors under every estate to determine whether they would have an official assignee or not.

Mr. Daniel W. Harvey said, that this appointment was proposed with a view to give the creditors security for the due payment of the funds received under the commission. As things now stood, Commissions were often made the means of jobbing among some of the leading parties concerned. To obviate these jobs was the object of this clause.

The Attorney-General said he proposed to introduce some words to prevent this clause from affecting such suits as were now in existence; and with that view, he would beg to move, that these words be inserted at the end of the clause. "Without prejudice to any action or suit commenced, or contract entered into, prior to the passing of this Act.

Amendment adopted, and clause agreed to.

On the Arbitration Clause being put,

Mr. Warburton said, that one of the duties which this proposed tribunal should consider, as that for which it was principally appointed, was to mediate as far as possible, between the parties. It often happened, that the matter in dispute, was not with the expense to which persons in their exasperation against each other, were disposed to go. Hitherto no attempts had been made to prevent this; on the contrary, the principle had always been "We have nothing to do with mediation, litigation is our work." He wished it now therefore to be a part of the law, that an



amicable settlement was to be attempted in the first instance.

The *Attorney-General* said, he had never before heard that the existing Commissioners were not at all times ready and desirous to mediate.

Mr. *Warburton* said, the hearsay of the hon. and learned Gentleman was not to be put in comparison with his experience as a creditor. He had often been told by the Commissioners, "Don't talk to us of mediation, we can hear nothing of the kind here, we are to settle the business according to law."

Clause agreed to.

The clause relating to the Abolition of Fees was then read,

The *Attorney-General* said, that it was proposed to make some compensation to the holders of patent offices which were to be abolished by this Bill. That compensation was intended to be formed on the average of the profits of these patent offices for three years. With respect to the retiring pensions, there was no intention at present to press a compensation clause for them, for the Government had not received sufficient information on the subject to enable them to lay any well-founded calculation before the House. That brought him to the case of the Commissioners whose office would be abolished by this Bill. It was proposed that compensation should be given to those Commissioners who had been appointed before the time of Lord Chancellor Lyndhurst, but not to those who had received their appointments since that period. The reason for making this distinction was, that from the time of Lord Lyndhurst entering upon the office, there had been an intention to change the system, and every Commissioner appointed by that noble Lord, and all those appointed by the present Lord Chancellor, had taken their appointments subject to their knowledge of that intention, and, of course, subject to the knowledge that if that change was made they would immediately cease to be Commissioners. The effect of this would be, to strike off twenty-two persons from the list of those to whom compensation was to be given, sixteen Commissioners having received their appointments from Lord Lyndhurst, and six from Lord Brougham. With respect to superannuation allowances, he begged to say, that they would not be granted as a matter of course, but that every particular case

would be referred to the Treasury, and a particular order made upon it.

Sir *Charles Wetherell* said, he must disclaim having any intention of saying any thing which could be construed to be personal to the noble and learned Lord who now held the highest legal office in the State, but he must wholly deny that that noble Lord had made any sacrifice by this Bill. He therefore was surprised that the retiring pensions and the allowances for compensation did not form part of the Bill. He saw no reason for the omission. He and other Members who had opposed this Bill had been taunted with entertaining a desire to impede it, and it was said, that they had not given due consideration to the large emoluments given up by the Lord Chancellor. But he denied, that the noble and learned Lord had sacrificed one farthing; nor did he think the noble Lord ought to make any sacrifices. But let it not be given out, as it had been, that the noble and learned Lord, in order to carry the Reform Bill, had given up 5,000*l.* a year, when he had not given up a farthing, for the truth of which he appealed to the noble Lord at the head of the Exchequer. He hoped this delusion would cease, and this taunt not be repeated.

Lord *Althorp* said, he agreed with the hon. and learned Gentleman, that this Bill should rest on its own merits, not on the question whether the Lord Chancellor had given up emolument or not. The income of the Lord Chancellor ought not to be so reduced as to make the office not likely to be filled by the most eminent men at the Bar. It was intended that, in future, the Lord Chancellor should be paid by a fixed salary as Chancellor, and by a fixed salary as Speaker of the House of Lords; but the mode of paying those offices did not appear to belong so peculiarly to this Bill as to require to be introduced into it. When it was said, that his noble and learned friend was not to take credit for giving up emolument, he (Lord Althorp) begged to state, that what the noble and learned Lord did was this,—that whenever a sum of money was offered to any public officer as a commutation for fees, that public officer would not generally forego them until he had secured a proper compensation, but his noble and learned friend had given up the fees to which he was entitled, in order that the Bill might pass, leaving the public to decide hereafter what compensation he ought to have.

That course, he thought, did his noble and learned friend credit, because it showed that his motive was not pecuniary emolument; but every one who knew the character of his noble and learned friend, knew that pecuniary emolument never entered into his views. Although the hon. and learned Gentleman might be right in saying that the noble and learned Lord had no merit to claim in giving up so much emolument as had been stated (though he was not aware it had been so stated), still the hon. and learned Gentleman was not fair towards his noble and learned friend, in denying him any merit at all, when he gave up his fees at once, and left it to the decision of Parliament hereafter to say what the salary shall be.

Sir Charles Wetherell was glad to hear the calumnious misrepresentation to which he had referred contradicted. It appeared that the fees which were given up were to be repaid to the noble and learned Lord out of some other source.

Clause agreed to.

On clause B being proposed,

The Attorney-General stated, that it was intended to reduce the income of the Secretary of Bankrupts to 1,200*l.* a year for himself, and 800*l.* a year for his two clerks. He was to have no retiring pension if he were an irremovable officer, but if the Committee were of opinion that he should be removable, then the amount of his retiring pension must be taken into consideration.

Sir Charles Wetherell said, that he could neither agree to making the Secretary of Bankrupts a permanent officer, nor to giving him a retiring pension if he were made a removable officer. All the other Secretaries, for instance the Secretary of Lunatics, &c., were changed with every Lord Chancellor. He believed that this clause would not create any saving of expense.

The Attorney General contended, that a great saving of expense would be effected by this clause. All the salaries under this Act would not amount to more than 26,400*l.*, and the present expense was considerably above that sum. Taking the average number of Commissions in town and country, the saving would be little short of 30,000*l.*, independently of the saving to the parties from the promptitude of the decisions.

Mr. Warburton admitted, that there would be some saving effected by this

Bill; but in Commissions, where the assets were small, and the litigation none, instead of their being any saving, there would be a small increase of expense. Cases of this kind were, he believed, more numerous than those in which there were large assets and much litigation.

Clause B agreed to, as were also Clauses C, D, E and F.

On the question that clause G, which fixes the salary of the Chief Judge of the Court of Bankruptcy at 3,000*l.* a-year; of the three Puisne Judges at 2,000*l.* a year each; of the Commissioners of the Court at 1,500*l.* a-year; of the Lord Chancellor's Secretary of Bankrupts at 1,200*l.* a-year; of the two Chief Registrars at 800*l.* a-year; and of eight Deputy Registrars at 600*l.* a-year, besides some minor salaries, do pass,

Mr. Warburton said, that the House was called upon to vote these salaries without having received the slightest information as to the duties which the officers who were to receive them had to perform. It was useless to divide the House on this clause, because he knew that if he did he should put an end to all public business.

Sir Charles Wetherell said, that this was the first time in which an unreformed House of Commons was called upon to vote 26,000*l.* a-year without inquiry. That was a statement which he was quite certain would not go before the public. He was surprised at not seeing the hon. member for Middlesex present on this occasion. When there was a contest going on with the First Lord of the Admiralty about saving three half-pence in the pound for a contract of biscuits, they were certain to have the presence of the reforming and economical member for Middlesex; but when so large a sum as 26,000*l.* was to be voted away in salaries every year, the factious few, as they had been called, were left to battle the question with Ministers without his assistance. What, he would ask, had the three Puisne Judges, and the ten Registrars to do under this Bill? Nothing more than what the Lord Chancellor's Secretary did at present. This large and cumbrous machinery, this lumber-troup of Judges, this band of gentlemen-pensioners, expensive as they would be in themselves, would create still greater expense to the creditors than the present machinery of seventy Commissioners. He looked upon this clause as an unnecessary and offensive creation of patronage. The

average number of vacancies in the Commissionerships of Bankruptcy were four annually, and the value of patronage was about 800*l.* annually. Now by resigning this patronage, the Lord Chancellor gained at once patronage of the annual value of 26,000*l.* The statement of the Lord Chancellor having relinquished patronage by this Bill, was therefore so preposterous, that he trusted that it would never be repeated in that House again. He must distinctly say, that he considered that of late there had been too great a sympathy between the Woolsack and the Press; indeed, it might almost be assumed there was now an official writer to the Great Seal. Not a day passed over their heads in which they canvassed the demerits of this Bill, without a writer in the daily Press insulting and abusing every Member of Parliament who dared to give an independent opinion, and shew, that the Bill was by no means a perfect, much more a super-human measure. Notwithstanding this abuse the exertions of the opponents of the Bill had compelled Ministers to lessen this job by cutting away all the retiring pensions.

Mr. *George Dawson* was incompetent to give any opinion on the legal merits of the alterations, but at the same time the present was an opportunity when any Member of Parliament might give his opinion on the conduct of Government. He had often before had occasion to admire the conduct of his hon. and learned friend the member for Boroughbridge, but never had he deserved better of his country than in exposing this gross and profligate job. He (Mr. Dawson) did not presume to say, that he understood all the affairs of the Court of Chancery, but he would take it on himself to say, that this Bill was one of the grossest instances of profligacy ever attempted, more especially coming from a Government which lived upon popular clamour, and was to be the only Government ever carried on without patronage. The noble Lord (Lord Althorp) had declared this often—"that this Government was to be supported by public opinion, and not by patronage"—words forgotten as soon as uttered, and utterly falsified by everything the Ministers had done. The patronage in this case, his hon. and learned friend had proved, was, that the Bill would entail an additional expense on the people; and every one must see that the Court might be carried

on more economically. They had, as yet, received no account of the duties to be attached to the offices this clause was to create, and he was somewhat surprised, notwithstanding that to find all those hon. Gentlemen who usually devoted their time to clamour about economy, and the waste of public money, were now absent when a large sum was to be voted without any account being given of the manner in which it was to be expended, and which he had no scruple to characterise as a gross job. As to the Lord Chancellor, his great object had been to create patronage from the moment he took the seals. He (Mr. Dawson) had moved for a return of the Masters in Chancery, and it was odd that this Chancellor of a Government that was to eschew patronage had been most ingenious in discovering new modes of exercising that power. He had not been in office one year, and yet within that time had appointed four Masters in Chancery, although Lord Lyndhurst in the preceding four, and Lord Eldon in the five years preceding them, had not appointed one. Some of these new Masters had been appointed on the ground of the others being old; yet one of the young Masters was sixty-five and upwards, and the other sixty-seven years old; and if any one was asked the question, he must answer that the old Masters were stronger and more vigorous than their successors.

Lord *Althorp* said, that some time had elapsed since they had had the pleasure of hearing the right hon. Gentleman address them in his usual delicate and agreeable style. The right hon. Gentleman was certainly as powerful as usual; but he did not say whether this measure was good or bad, or whether it might or might not be an improvement in the administration of justice. Now some part of this question happened to depend upon this point; for, if the measure effected any good, it would at least, *pro tanto*, diminish the extent of the job which seemed to give the right hon. Gentleman so much uneasiness. The right hon. Gentleman had talked of jobs and profligate expenditure; but was he aware that this expense of 26,400*l.* a-year was merely intended as a substitute, and a more efficient substitute, for that which now cost 70,000*l.* per annum. It was, perhaps, possible that there might be a lesser scale of fees, and that the Court might be constituted at an expense somewhat smaller than was proposed; but, when so vast a reduction was

made, to talk of profligate expenditure was ridiculous, so that he could not but believe that the right hon. Gentleman must have been totally unacquainted with the subject. The right hon. Gentleman also urged that he (Lord Althorp) had said that this Government would be carried on without patronage. What he had said was, that the period for governing the country by patronage was now at an end; but when it was necessary to carry any good measure into effect, it did not follow that they should abandon that measure for fear of such attacks as that of the right hon. Gentleman who had been pleased to say that the object of the Bill was patronage; but if the right hon. Gentleman had looked at all into the provisions of the Bill, he must have seen, they were so extensive and sweeping in their dealing with existing jobs, that no man could make such changes as a means of obtaining or creating patronage and appointments. The right hon. Gentleman had said, that the Lord Chancellor had great good luck with respect to the appointment of Masters in Chancery, and that for nine preceding years there had been no vacancy. Now, it was to be recollected, that an addition had been made to the number of Masters; and if none had been appointed for nine years, there must be, of course, the greater chance of some falling in. Moreover, those Masters appointed by the present Chancellor were to have no retiring allowances. Then the right hon. Gentleman's criterion for judging of Masters in Chancery was, the activity with which two gentlemen walked up to the table, because he said that if hon. Members looked, they would find that the old Masters were more vigorous than the new. Now he (Lord Althorp) differed from the right hon. Gentleman on this point, because the merits of a Master in Chancery lay more in his head than in his legs. In conclusion, he thought that neither these appointments nor the right hon. Gentleman's arguments were likely to have that effect on the public which he anticipated.

Sir Charles Forbes said, that, from all the information he could gather, any system was better than the present, and therefore he would support the Bill. With respect to the Masters in Chancery, one of those appointed by the present Chancellor, and a near relation of his own, he had occasion to know; and his diligence, attention, and talent, were remarkable. No political

hostility should ever prevent him from doing that justice they deserved to the appointments made by his opponents for the benefit of the public service.

Mr. Burge said, that it was a mistake to suppose, that the 26,400*l.* was for the discharge of all the bankruptcy business of the kingdom; as the London Commissions only performed one-third of that of the whole country; to carry the principle of the Bill completely into effect, would render an expense of 46,000*l.* more necessary?

The *Solicitor General* said, that the debate had already been protracted beyond all the expectations of the House, and he, for one, should be glad to see it ended. The only question at present was, the mode in which the Judges of the new Court were to be paid, and the consistent opposers of the Bill had, at first, complained, that the Judges' salaries were not large enough to obtain efficient officers, whilst the outcry now was, that they were too great—that they were, in fact, so enormous, as to come within the hon. Member's notion of a job. Now let him state one fact to satisfy those hon. opponents, that the money with which the Judges were to be remunerated, was not one shilling of it to be paid out of the public purse; to quiet the apprehensions entertained by those hon. Members, that a great waste of the public money was to be incurred, he would inform them, that the salaries of these Judges were to be provided for out of the Bankrupt Fund. The Bill did not, as some supposed it did, affect to despatch all the bankruptcy business of the country; on the contrary, its operation was confined to London and its vicinity; but though it was so restricted within the limits of the metropolis, yet no one who was at all acquainted with business, would think, for one instant, that its operation would be isolated to that one spot, for there was scarcely a bankruptcy of any extent in the country, but what had ramifications and agents in London.

Sir Charles Wetherell said, that it seemed to be admitted on all hands, that the most defective part of the present system was that connected with the administration of the Bankrupt Laws in the country as compared with London; and yet this Bill left the country question altogether untouched, and only amended that portion of the law which was already admitted to be the best administered.

Clause carried.

On Clause Q,

Mr. *Warburton* thought, that the arrangements of this clause was so monstrous, that even if it was enacted, it could not stand unaltered for six months. According to this clause, the Commissioners had a right to award as much as five per cent to the official assignee on the collection of the bankrupt's debts; this he thought was much too large a profit; and it was also highly objectionable, that the Commissioner was to be supreme, and that the creditors were to have no voice in the matter.

Mr. *Serjeant Wilde* thought, that the best security for the creditor was, to leave this per centage at the discretion of the Commissioner, who must necessarily be a man of character; and the hon. Gentleman ought to remember, that the per centage was allowed, not only for the debts collected by the official assignee, but for the general trouble that the bankrupt's affairs inflicted on him.

Mr. *Freshfield* said, that the greatest trouble required at the hands of the official assignee was, to collect the debts of the bankrupt, and to pay them into the Bank of England; he did not see why the present assignees were not quite competent to discharge that duty. He objected to the great remuneration which the official assignees would, in some cases, receive for very trifling services. He had known one case relating to the bankruptcy of a sugar-refiner, in which the official assignee, at one per cent, would have received 2,000*l.* for merely receiving the property and paying it into the Bank of England. He hoped, at least, that the Commission would be charged on the assets to be divided amongst the creditors, and not on the whole credit of the bankrupt. He objected to five per cent being inserted in the Bill, and thought two per cent on the dividends would be sufficient, and, that the remuneration on no Commission, should exceed 200*l.* The hon. Member concluded by proposing, as an amendment, that the official assignee should not receive above two per cent; that that sum should only be paid on the dividends, and that the remuneration of the official assignee should on no Commission exceed 200*l.*

The *Attorney-General* thought, that neither of these amendments was founded on good sense. It was not to be expected,

that the Commissioners were to give to every official assignee the whole amount they were entitled to give; but the limits placed to their authority was what had been found necessary in extreme cases. The principle of the clause was to give the assignee a remuneration on all the monies he collected, and he thought, that the Commissioners were not likely to give the assignee more than he ought to have.

Mr. *Paget* admitted, that five per cent might not be enough in some cases, and two per cent might be too much in others. In his opinion, therefore, it was not proper for the Committee to decide this question. Probably the creditors might be more fit to apportion the reward of the assignees than the Commissioners; and he objected to the power of bestowing these rewards being left in the hands of the Court.

The *Solicitor-General* hoped the Commissioners under the Bill would not be confounded with the present Commissioners. They were more like Judges.

Mr. *Paget* had no intention of casting the slightest reflection upon the persons to be appointed, but they were not, in constructing an Act of Parliament, to presume on the virtue of those who were to carry it into effect.

Mr. *Burge* said, that whoever might be appointed, they would not be persons of higher character than the present Commissioners, and he thought, it would be found to be an invidious office for the gentlemen who were to be appointed, to have to regulate the per centage to be given. As little discretion as possible should be allowed, but in general the remuneration was fixed too high. An official assignee having five per cent on the assets in the case of so large a bankruptcy as that of Messrs. Manning, would receive 1000*l.* a year as per centage only on the annual returns, exclusive of a per centage on 600,000*l.* out on mortgage. As it would be some time before these assets could be realized, he would receive besides, a Commission on the income of the estates mortgaged. During the time he was reaping these great advantages, he would not have any of the duties of insuring ships, sending out supplies to the estates, and performing the office of a consignee, to look to. Yet a case of this sort might be one in which the Commissioners thought the official assignee could make out a fair claim for five per cent on the assets; such

a remuneration would be wholly extravagant. He should, therefore, support the amendment.

Sir *Charles Wetherell* said, the official assignee would perform neither the duties of solicitor, manager, nor steward; his whole duties would be to receive the assets and pay them into the Bank. In general, where his duties would be least, there he would receive the largest remuneration. There might be difficulties in fixing the exact amount of the per centage, but certainly they were not insurmountable, and most assuredly, unlimited payment would cause so much disgust, that it must soon be put an end to.

Mr. *John Campbell* said, all the hon. Gentleman's arguments proceeded upon the fallacy, that the official assignee was to have a poundage, but that was not the case. The remuneration he was to have, according to the Bill, was the exact amount the Commissioners thought adequate to his services, but in no case to exceed five per cent on the assets. It had been demonstrated by the hon. Member for Leicester, that the remuneration must in a great degree be left to the discretion of some person, and the hon. Member suggested the creditors as the proper parties, but that would be to make them Judges in their own cause—a case at all times to be avoided.

Mr. *Burge* begged to observe to the hon. and learned Gentleman, that there were always two parties to a contract: he who performed a given service, and he who was to pay for it; and what they complained of was, that those who would have to pay had no voice in fixing the amount of remuneration.

Sir *Charles Forbes* said, they certainly might limit the sum on which the maximum Commission of five per cent should be granted.

Mr. *Warburton* said, he felt it quite impossible to establish a graduated scale of remuneration. The best course would be to strike out all mention of more or less per centage, and the clause would then leave the payment to the discretion of the Commissioners.

Mr. *Freshfield* withdrew his amendment.

Clause agreed to.

On the Compensation Clause being read,

Mr. *Warburton* was of opinion, that those Commissioners who had held the most private meetings, did not deserve, on

the whole, so large a retiring allowance as those who had performed the same quantity of business with greater despatch.

Mr. *Sergeant Wilde* was much surprised at the remark made by the hon. Gentleman. The lists of Commissioners before which private meetings were held, were, in fact, the only lists competent to discharge the duties required of them. In short, solicitors who had business that required such meetings, knew it was useless to go before any of the other lists.

Mr. *Robert Grant* said, as he was one of that list of Commissioners which had had the most private meetings, he felt bound to notice the remark of the hon. member for Bridport. The fourteenth list of which he was a member, had done by far the most work, and they were the least paid. His emoluments, on an average, for fifteen years, had been under 400*l.* per annum. He trusted the hon. Member meant no imputation upon him; or if he did, it would have been well to have given him notice, that he might have been prepared to defend himself if necessary.

Mr. *Warburton* said, that his remark was not intended to apply to the right hon. Gentleman; he had not said, or implied, that the meetings were held from a corrupt motive, but merely, that they caused delay and expense, and he considered he was entitled to deliver an opinion, let who might be affected by it.

Sir *Charles Wetherell* begged to assure the hon. member for Bridport, it was perfectly notorious, that the Lists of Commissioners which had the most private business, were the most efficient.

Mr. *Freshfield* begged to ask the noble Lord, whether he would permit some alteration to be made in the clause, so as to regulate the remuneration of the Commissioners generally. As the clause now stood, it appeared as if there was to be some distinction made.

Lord *Althorp* said, certainly, it was intended that some distinction should be made. It was never meant, that each Commissioner who would be reduced, was to have a compensation for the loss of his office; because many had been appointed under the express understanding, that if any alteration were made which would abolish their offices, they were not to expect remuneration. This regulation would be adhered to, and it was the object of the present wording of the clause, to carry it into effect.

The Clause added to the Bill.

The *Attorney-General* brought up a clause, providing, that the Judges and other officers appointed under this Bill, should be incapable of sitting in Parliament.

Agreed to.

The House resumed, and the Report was brought up.

PORTUGAL.] Mr. *Courtenay*, seeing the noble Lord, the Secretary of State for Foreign Affairs, in his place, begged to ask him the following questions with respect to the affairs of Portugal:—first, whether the Viscount D'Asseca did not address to the noble Lord, on the fourth of May last, an application on the part of the Portuguese Government, in respect of the demands of France, as the Viscount states in his letter of the 23rd of June?—Secondly, at what period, and through what channel, did his Majesty's Government receive the first intimation of the intention of the French Government to send a naval force to the Tagus?—Thirdly, was the letter of the 17th of June to Mr. Hamilton, the first communication made thereupon to the French Government?—Fourthly, whether Admiral Roussin's letters of July 11th, to which the Viscount D'Asseca refers in his letter of the 1st of August, will be among those papers?—Fifthly, whether his Majesty's Government had a copy of M. Cassas' protest, to which the Viscount D'Asseca refers in his letter of the 23rd of June, and will lay it before the House?—Sixthly, whether his Majesty's Government had received any intelligence of the formal termination of the war which existed between France and Portugal?

Viscount *Palmerston* had to apologize to his right hon. friend for not having afforded him the opportunity of asking these questions before. He would then answer them as shortly, and as explicitly as his right hon. friend had asked them. To the first, he begged to reply, that a letter was delivered to him personally by M. D'Asseca on the 4th of May. No answer was given to that letter in writing, but Viscount D'Asseca was verbally informed that his Majesty's Government would not interfere in the case, but strongly advised the Portuguese Government to give just satisfaction to the French demands. At this time, it was uncertain whether England herself would not be at war with Portugal,

as Mr. Hoppner's letter, announcing the compliance with our demands, was not received till the 14th of May. M. D'Asseca's letter of the 14th of May was not included in the papers presented to Parliament, because it described itself as being a confidential communication, and because it had an inclosure containing remarks on the French demands, which it was not thought right to publish.—To the right hon. Gentleman's second question he had to state that the channel through which his Majesty's Government received the first intimation of the intention of the French Government to send a naval force to the Tagus, was a despatch from Lord Granville, dated April 4th, in which that nobleman stated that Count Sebastiani had informed him, in conversation, that the French Government might find it necessary to send a fleet to the Tagus, if no satisfaction were given to France by Don Miguel's Government.—To the question of whether the letter to Mr. Hamilton was the first communication made upon the subject to the French Government, he had to answer, yes, the first written communication.—To the fourth question he begged to reply, that his Majesty's Government had not received a copy of Baron Roussin's letter of July 11th to which M. D'Asseca alluded in his note of the 1st of August.—To the fifth question he replied, that no copy of any protest of M. Cassas against the establishment of a Commission at Lisbon had been received by his Majesty's Government.—To the last question his reply was, that no formal communication had been received by his Majesty's Government with respect to the termination of the war between France and Portugal, except the Convention of Lisbon, and the announcement made by the French Government, that they had attained that satisfaction which was the object of their expedition, and that their fleet had, consequently, left the Tagus.

#### HOUSE OF LORDS, *Tuesday, October 18, 1831.*

MINUTES.] Bills. Returned from the Commons: Bankruptcy Court and Interpleader; Crown Lands Inclosure. Petitions presented. In favour of Reform. By Lord Devon and the LORD CHANCELLOR, from the Inhabitants of Sheffield, Dronfield, Knaresborough, Chapel-le-Firth, Peterhead, Royal Burgh of Tain, Fishers Incorporation of Perth, Inhabitants of Stickney, Steeple Aston, and Dalmellington. Against the Reform Bill. By Lord FARNHAM, from the Corporations of Saddlers, Upholsters, Coachmakers, Barbers and Surgeons, Cutlers, Skin

the Guild of Merchants, Dublin, and from the Coalmeisters of Dublin, praying for Compensation; from the Corporation of Weavers, Dublin, praying for the establishment of a Board of Trade in that City; from Clowes, in Monaghan, for the extension of the Tithe Composition Act, and from the Inhabitants of Drumcliff, for the continuance of the Grant to the Kildare Street Society. By the Earl of Cawson, from Nairnshire, not to be joined with another County under the Reform Bill:—By a Noble Lord, from Inhabitants of Fethard, Templetown, and St. James's, Wexford, for the Yeomanry to be disbanded:—By a Noble Lord, from the Landowners, Merchants, Freemen, and Freeholders of St. Nicholas, Galway, to extend the Franchise of that place to Catholics equally with Protestants.

**EXCHEQUER COURT (SCOTLAND)**  
**BILL.]** The Lord Chancellor presented nine Petitions in favour of the Reform Bill from Tain, Peterhead, and different places in the counties of Derby, Lincoln, and Ayr. On presenting some petitions for Reform, his Lordship took the opportunity of saying a few words respecting a Bill which had been by him lately brought into their Lordships' House, and which had passed there without a dissentient voice. The Bill to which he alluded was the Bill for the abolition of the Court of Exchequer in Scotland. The consideration of that Bill had been postponed from time to time in another place, in order to make way for what was there considered as business of a more urgent nature, and was ultimately thrown over for the present Session. He took the opportunity of stating his deep regret at this delay, and his deep sense of the inexpediency of that delay, and his thorough conviction of the total uselessness of the inquiry, upon the ground of the propriety of which the delay was attempted to be justified. It had been said, that an inquiry by a Committee was called for, since, without such inquiry, the House could not know that the Court was a sinecure. But, what was passing in Courts of Justice was matter of common notoriety. What passed in the Court of King's Bench, Common Pleas, Exchequer, or Chancery, or any other Court of Justice here, was matter of common notoriety, inasmuch as they were open to all his Majesty's subjects, and to which the public had a right of access, and upon the ground of that notoriety, he had always understood that Parliament had a right to legislate. To say that this, or that the other House had no right to legislate upon the open, broad, and notorious fact, without a previous inquiry by a Committee, was the most extraordinary proposition that he had ever heard of. If, however, they thought fit to go into the inquiry, there need have been

no delay, for the inquiry might have been fully made in five minutes. The Lord Chief Baron of the Scotch Court of Exchequer was in town, and if they had called on him to attend there, he would at once have told them, that the Court in question only tried, on an average, two defended causes in the course of a year. He would not have troubled their Lordships on this subject, however, had it not been for the imputations that had been thrown out against the Lord Chief Baron, as if he had been the cause of this Bill being introduced, in order to procure a sinecure for himself; whereas, in point of fact, the only effect of the Bill, as far as it regarded him, was to reduce his salary one-half! His hon. and valued friend, the Lord Chief Baron of the Court of Exchequer in Scotland, had nothing to do with the Bill. He (the Lord Chancellor) had not had the slightest communication with the Lord Chief Baron about it. He had had no reason to believe that his hon. friend was any otherwise than averse to the Bill, since it reduced the income of his sinecure from 4,000*l.* a-year to 2,000*l.* The whole was a sinecure, except as to the trial of the two causes, and he had had no reason to believe that his hon. friend would not have been very willing to try two causes in a-year for 2,000*l.*, being at the rate of 1,000*l.* per cause. He declared most solemnly, that he himself had matured the Bill, without any communication with the Lord Chief Baron. To be sure, his hon. and worthy friend cheerfully consented to the arrangement made by the Bill; but that was an abandonment by him of 2,000*l.* of his income; and yet, ignorant and factious men imputed to him that this Bill was a job of his, prepared by him for his own benefit. It was of great importance to the public to get rid of the expense of this Court, and it was of much more importance in another view than that of the mere money saved; for it was of the highest importance that the public should not be put to expense for the support of Courts where the situations of the Judges were sinecures, since an expense of that kind was derogatory to the judicial character, and Judges ought always to be not only without blame, but above suspicion. This last consideration was of more consequence than the mere saving, and he hoped that the Bill would be passed at the earliest period in the next Session. Having thus cleared his hon. friend,



the Lord Chief Baron, from the unfounded accusations against him, he might be permitted to say a few words about some additional unfounded imputations against himself. It had been said, that he had called upon Masters in Chancery to retire, in order to have an opportunity of appointing others in their stead, who were considerably advanced in age. But he had never called upon Masters in Chancery to retire; he had no power to call upon them to retire, or at least he had no power to call on them to obey. But one did retire, and presented to him a certificate that he had served the office for twenty-six years, considerably more than the time required to entitle him to his retiring pension; and that he (the Lord Chancellor) was bound to admit, unless he could show, which he could not, that the retiring master was perfectly able to discharge his duties. But then it had been said, that he had appointed masters of sixty-five and seventy years of age. Well; what then? If they had been persons in high practice, and of acknowledged experience and talents, and were still in the full possession of their powers, why not appoint them? But at the same time he had taken care that they should not have their retiring pensions unless they served the office for the full period required by the existing regulations, and a minute of this had been entered in the Court of Chancery, so that his successor might be officially apprised that, unless the masters when they retired had served the office for twenty years, they were entitled to no pension. And this was what was called jobbing! Oh; but then it was said that one of the appointed masters, his old and valued friend, Mr. Henry Martin, had been retired from practice for fifteen years. The fact was, that it was fifteen months. He had been in practice in the Court of Exchequer, and at the head of that Bar, till within this year and a quarter: he had seen him there; and he defied any one to find a better Master; he was the very best that could have been found in the Court of Chancery for these last twenty years. With another Master in Chancery—the first whom he had appointed—he had never been in the same room till he had appointed him; and a gentleman more adverse to his party and to his political views, both as to Church and State, he could not have appointed. That gentleman was a friend of Lord Eldon's, and he thought that Lord Eldon ought to have

appointed him to be a Master in Chancery; and Lord Eldon not having done it, he had determined to do it. But the imputation upon him as to the appointment of this gentleman was not a bit more perverse and unfounded than the imputation with respect to Mr. Henry Martin, who was the fittest person that could be found. He hoped he did not improperly trespass on the time of their Lordships when he took the opportunity to repel these most unfounded imputations, which he did with perfect good humour, although it might at first be difficult to conceive the ignorance and perversion of understanding from which they had originated. But certain persons had successors, and these persons did not much like their successors, and were not very scrupulous about matters of fact when they endeavoured to vituperate and disparage these successors and to destroy the Government with which they were connected; and the hostility was the more embittered when they saw no reasonable prospect of succeeding their successors. Their position was, indeed, cheerless, and dark, and dismal, with scarcely the feeblest ray of light to comfort them, or alleviate the despair to which they were doomed. "But we," continued his Lordship, "cared less for this dark position; for we were intent upon plans of Reform in the Law, upon plans of Reform in Parliament, and upon projects for the advantage of our own country and the general benefit of mankind; and the contemplation of these subjects enlightened and cheered us in the long gloom in which we were immersed. But now that our opponents are immersed in that dismal gloom, they have nothing like this to cheer them—nothing to dispel the dark horrors of their position, except a dim, twinkling, glimmering light, to shew them the way back to their old places. Under these sad and dismal circumstances, it is natural that they should resort to a little railing to comfort and cheer them; and hence we may account for these gross misrepresentations of fact, to some of which I have had occasion to call your Lordships' attention. I have returns to prove what I have stated in regard to the Court of Exchequer."

The Duke of Buccleugh inquired whether the noble and learned Lord had any objection to lay those returns on the table?

The Lord Chancellor said, that he had no objection.

**SELECT VESTRIES' BILL.]** On the Order of the Day being moved for receiving the Report of the Select Vestries' Bill,

The Earl of *Falmouth* said, that he had already given notice of an Amendment he intended to propose, and to induce their Lordships to adopt his views; he begged to repeat the observations he had previously made. There was a palpable difference between large and populous places, and small rural parishes, and they required a different method of management. He therefore thought it was inexpedient to extend the provisions of the Act before them indiscriminately, and he meant to propose an amendment from which he considered some advantage would be derived. He proposed to insert the following words as part of the clause, "And be it further enacted, that nothing in this Act contained, shall extend to parishes where there is not a greater number of persons than 600 paying rates to the poor."

Viscount *Melbourne* requested that the consideration of this Amendment might be postponed, because he apprehended it must be a rider to the Bill.

The Earl of *Falmouth* had no objection to the noble Lord's proposal.

The Bishop of *London* proposed an Amendment, to the effect that, when the places where Vestries had been usually held were found inconvenient, they might be held in other places.

Agreed to.

The Lord Chancellor still thought that the adoption of this kind of Select Vestries should be in the voters who chose to attend. It would be utterly impossible to get 7,001 of the rate payers of St. Pancras to attend, so as to form a majority of the 14,000 in the parish. He would, however, postpone his amendment on that head till next year.

#### HOUSE OF COMMONS,

*Tuesday, October 18, 1831.*

**MISCELLANEOUS.]** Bills brought in. By Mr. *SADLER*, to better the condition of the Labouring Poor. Read a third time and passed; Crown Lands; Inclosure. (Standing Order suspended).

**RETURNS ORDERED.** On the Motion of Colonel *EVANS*, of the Vessels employed and belonging to the Port of Rye from the years 1820, to 1830, respectively:—On the Motion of Lord *KILLEEN*, of the number of Newspaper Stamps issued for the year ending the 5th of October, 1831:—On the Motion of Colonel *Sibthorp*, the number of Persons convicted of the crimes of Horse and Sheep stealing, and the Sentences passed upon them throughout England and Wales, from the year 1826, up to the latest period, and of the number of Steam Vessels belonging to Government with their Tonnage, and the power of their Machinery.

**PETITIONS PRESENTED.** By Mr. *SADLER*, from Joseph *Alday*, now confined in Birmingham, against the Law of Libel, and from the Corporation of Galway, for equalizing Civil Rights in that place; from the Overseers of Spinning Mills at Dundee, for the extension of Cotton Apprentices Bill to Scotland; from the Landed Proprietors and Inhabitants of the Island of Freenish, complaining of the Reduction of the duty on Barilla, and from the Rector and Inhabitants of Satwell, for the abolition of Slavery:—By Mr. *HODSON*, from the Shipowners of Barnstaple against the Tax on Marine Insurances:—By Colonel *TORRENS*, from Inhabitants of London and Westminster, for a revision of the Corn Laws. For Reform. By Lord *KILLEEN*, from Screen and Rath:—By Mr. *HUME*, from the Chairman of a Meeting at Paisley; from Merchants at London, complaining of Vessels being captured by the Brazilian Squadron, in 1826 and 1827; from the Inhabitant Householders of Newcastle-upon-Tyne, for the abolition of the Church Establishment in Ireland, the discontinuance of the Grant to the Kildare Street Society, and the continuance of that to Maynooth; from the Members of the Clerkenwell Reform Union, for the Repeal of the Duties on Newspapers, Pamphlets, &c., and from the Tithe-payers of the Parish of Knockbreda, for the abolition of Tithes:—By Mr. *SPRING RICE*, from the Committee of the Clare and General Dispensary of the Barony of Gallen, for an Amendment of the Act 50th George 3rd; from the Foreman of the Clare Grand Jury, praying, that the Act 4th George 4th, for Repair of Roads, be renewed; from the Magistrates, Clergy, and Landholders of the Barony of Meycallen, for the reduction of the duty on Barilla; from the Chairman of a Meeting of the Inhabitants of Dublin, for the introduction of Poor Laws into Ireland; from the Inhabitants of Stockport, against the proposed plan for enabling Parishes to mortgage their rates to furnish the means of Emigration; from the Free Burgesses of Liverpool, against the Liverpool Franchise Bill; from the Chamber of Commerce, Galway, for a provision in the Irish Reform Bill to preserve the peculiar Franchise of that place; from the Members of the Doagh Reform Committee, complaining of the Expenditure and Tolls of certain Turnpike Roads:—By Mr. *HUME*, from Owen Davies, complaining of his arrest for vending Bertbold's Political Handkerchief, and praying for an alteration of the Law:—By Mr. *ROBINSON*, from Inhabitants of Blockhouse, Worcester, for an alteration of the Sale of Beer Bill; and by Mr. *HENRY WILLIAMS*, from the Freeholders and other persons, Owners of Real Property at Darlington, Gainsford, West Auckland, Heighington, and Harworth, against the General Registry Bill.

**REFORM—PETITIONS.]** Mr. Hunt presented a Petition from John Duffy stating that the Reform Bill was defeated by the Bishops, and praying that they might be disfranchised.

Mr. *John Campbell* said, he deplored the presentation of such a petition. It could not fail to be productive of bad effects. Nothing could injure the cause of Reform, except the indiscreet efforts of pretended friends. He likewise begged to observe, that attempts such as those lately made to dictate to Ministers, by certain parties in the metropolis, relating to a short adjournment were most decidedly mischievous. He doubted whether the petition ought to be received.

Mr. *George Robinson* said, this petition had a family likeness to several other most extraordinary petitions which the hon. Member was frequently in the habit of in-

roducing to the notice of the House. He also doubted whether the petition ought to be received. It bore no date, and he hoped the hon. Member would be able to show how it came into his hands.

Mr. *Hume* said, that the House ought not to reject the petition merely because it was contrary to the opinion of the House. With respect to the observations made by the hon. and learned member for Stafford, he begged to say, being thus called upon, he believed the opinion expressed in that petition, to be the opinion of a large portion of the people of this country, namely, that the political power of the Bishops ought to cease. He himself was of that opinion. He was surprised that the hon. and learned Member should think that that wish, as expressed in the petition, was a solitary wish, and that no part of the people of the country sympathised with it. He was equally surprised that hon. Members should have said it was false to state that the Bill was lost by the vote of the Bishops, when it was clear that as the majority against the Bill only amounted to forty-one, and as twenty-one Bishops had voted against the Bill, the majority would have been turned the other way, had the Bishops voted in support of that measure. He believed that the time would come for all these changes, but he admitted that this was not exactly the moment for discussing it. Then as to the observation of the hon. and learned member for Stafford, that these expressions of opinion and the call for a short adjournment, were like dictating to the Ministers, he did not agree at all with those statements of the hon. and learned Member, and he believed it would be only playing the game of the Anti-reformers, if the people of this country were to lie on their oars, as if they did not care about the success or the rejection of the Bill. Instead of doing this, he recommended them to use every Constitutional means of showing the deep anxiety they felt upon the subject.

Mr. *Ruthven* said, that the strong feeling which the people had manifested on this subject was both natural and proper, and he hoped they would continue to show their anxiety upon it in every constitutional way. He sincerely deprecated violence of all kinds, for riots were only injurious to the cause of Reform; but he trusted that all other efforts would be made to sustain the Ministers.

Mr. *John Campbell* begged to be per-

mitted to say, in explanation, as the hon. member for Middlesex appeared to have misunderstood him, that he too wished the people to come forward in a constitutional manner in support of the Reform Bill, but not to send delegates at midnight to the noble Earl at the head of the Government, nor to address petitions to that House couched in such improper and unconstitutional language as the petition now presented to their notice.

Mr. *Freshfield* could not let this opportunity pass without protesting against these constant allusions to the Bishops—these attacks upon a portion of the Legislature, the existence of which was so necessary to the support of the Constitution of the country. He could not avoid, too, expressing his strong objection to the sort of language held by the hon. member for Middlesex, who, not content with saying that the Bishops should not have voted against the Bill, actually seemed to suppose that they ought to have violated their consciences by voting in its favour.

Colonel *Evans* said, that as the hon. and learned member for Stafford had alluded to the conduct of the delegates who had waited upon Earl Grey, he begged to say, that they had done nothing which deserved the censure of the hon. and learned Gentleman, or the imputation of having had intimidation for their object. If it had not been for the tone assumed by the hon. and learned member for Stafford and by the hon. member for Worcester, upon the subject, neither the hon. member for Middlesex nor he (Colonel Evans) would have said anything, and the petition might have quietly gone with others of a similar kind to that receptacle to which they were all consigned; but as the call had been made, and as he had a strong opinion on the subject, he should be wanting in his duty as a man if he did not honestly state his opinion, that both the spiritual and the public welfare of the people would be better consulted if the Bishops had not seats in the House of Lords.

Mr. *Leader* said, as the petition before the House professed to be an Irish one, and its prayer was the disfranchisement of the Bishops, he wished to take the opportunity of saying a few words on the subject of tithes and the abuses of the vestry system. First he would observe, that those parishes in which the Tithe Composition Act was established were more

tranquil and better disposed than those which had not compounded, and therefore he was of opinion that system might be extended and improved, and if even a quantity of land could be set apart for the use of the clergy, instead of their being allowed a tithe of the whole, it would be a still greater improvement. Again he proposed to transfer the building and repair of churches to the first fruits repealing the Vestry Acts, and doing away with all compulsory cess for supporting the Protestant Establishments; to further these objects, he had prepared three Bills. The first for the extension of the Tithe Composition in Ireland, the second for the Commutation of Tithes, and the third to repeal the Vestry Laws, and making the first fruits available for the repair and building of Churches and other compulsory charges levied on the land. These Bills, under the altered circumstances of the country, he did not propose to introduce to the consideration of the House; the people of Ireland were extremely discontented, and when he saw English petitions recommending the abolishment of the Irish Church establishment, he put it to hon. Gentlemen what must be the feelings of the Catholics who suffered under its exactions. The conduct of the Right Reverend Bench in voting against the Reform Bill had materially tended to aggravate this discontent and dislike in both countries. They had to suffer from the evils of a bad system which was aggravated by their own conduct. Finally, he must say, that resorting to a Protestant Yeomanry to endeavour to preserve the peace and collect tithes in Ireland, would widen the breach between the clergy and the people, and be attended in other respects with the very worst consequences.

Petition read.

Mr. *George Robinson* said, in his opinion the petition was a most improper one, as it called upon one branch of the Legislature to interfere with the privileges and rights of another. Besides, it was manifestly absurd. The petitioner prayed for a clause to be introduced into the Reform Bill, to disfranchise the Bishops. The hon. Member who presented it was the only person capable of performing the task; he must however most strongly protest against connecting public opinion with so ridiculous a petition as the one before the House.

Lord *Althorp* thought, that this was a

petition which, considering all the circumstances connected with it, ought not to be allowed to be received by the House. No one regretted more than he did the decision of the House of Lords; but a petition from a single individual, declaring that one branch of the legislature had not the right of voting, was a petition which he thought that the House could not properly receive.

Mr. *Phillip Howard* entirely concurred with the sentiments of the hon. member for Worcester. Although he deeply regretted the course which the Bishops had pursued with respect to the Reform Bill, yet he could not imagine they had acted from interested motives. Indeed, as they had only a life-interest in their sees, if such unworthy motives had any weight with them, they could have operated only to make them support the Government. As to their seats in the Legislature, they had at all times with the exception of the time of the Commonwealth, enjoyed them, and there was never fewer of them than at present. As the House of Commons was so particular in enforcing regulations to prevent the House of Lords interfering with their privileges, they ought to be equally tender not to interfere with those of the other House.

The *Speaker* said, that the question of receiving this petition involved not only a question of the privileges of the other House of Parliament, but of their own. The petitioner might, on any general grounds, have prayed the Legislature for the abolition of the right of voting of the Bishops; but as the petition stated that the petitioner founded his prayer upon what he conceived to be the vote of a portion of the House of Lords; and as he could only know how that portion of the House voted by means of a breach of privilege, it seemed to be doubtful whether the notice of a matter, which was itself a breach of the privileges of the other House, was not a breach of the privileges of their own. In his opinion it was, and that, on that ground, the petition ought not to be received.

Sir *Charles Wetherell* said, it was impossible that the question could be put in a better and clearer light than had been done by Mr. *Speaker*. He fully and entirely coincided with the view that had been taken of the right of the Bishops to sit in Parliament by the hon. member for Carlisle. He would be always ready to maintain they had the same right to sit in

the House of Lords as the temporal Peers. The Press had assumed a tone towards the Bishops which was perfectly unjustifiable; indeed it seemed to be lording it over all the institutions of the country.

Mr. *Hume* said, that if a petition to that House were to say that any measure were thrown out by the votes of the Scotch, or the Irish, or the county Members, he should consider it irregular; and, on the same ground, he must concur in thinking that the fixing the rejection of a Bill on any particular members of the other House, was equally objectionable.

The *Speaker* said, that the hon. member for Middlesex took exactly the same view of the case which he did.

Mr. *Hunt* said, after the opinion delivered by the Speaker, he would withdraw the petition.

Petition withdrawn accordingly.

RELIGIOUS PROSECUTIONS.] Mr. *Hume* said, he had three Petitions to present to the House, praying that no man might be prosecuted on account of Religious Opinions. The first was from the inhabitants of Stockport; the second from Richard Carlile, who also complained of the hardship of his case, in being imprisoned for the expression of his opinions; and the third was from the Westminster branch of the National Union. He most fully concurred in the prayer of the Petitions. No man ought to be punished for the expression of his opinions on religious subjects. It was contrary to those principles of religious toleration which were fully recognised by the country.

Mr. *Trevor* was as ready to admit the principle of religious toleration as any hon. Member; but he thought it a mistake to include within that principle the allowing men to publish the most gross and revolting blasphemies with impunity.

Mr. *Hume* asked, why did not the hon. Member carry his principle further, and again kindle the fires of Smithfield? for certainly, the principle which he avowed, of punishing any man who differed from him, and who expressed that difference in words or in writing, might extend so far. The hon. Member could not call that toleration which would induce him to fasten to the stake those who differed from him on religious opinions. The principle which he avowed would go that length.

Mr. *Trevor* repeated, that he was not opposed to religious toleration, but he

could not extend it to a public denial of all religion accompanied with gross blasphemy. As to the hon. Member's inferences from his (Mr. *Trevor's*) opinions, he treated them with the contempt they merited.

Colonel *Torrens* asked the hon. Member whether Christianity did not rest on evidence, and could that evidence be made stronger by the infliction of punishment on those who denied it, or be weakened by the admission of free discussion?

Mr. *Trevor* thought that religion wanted no support but that of its own truth. He had, however, said, and he would repeat it, that the doctrines put forth by Mr. Taylor would be productive of the most injurious consequence to the lower classes.

Mr. *Protheroe* said, he had some petitions to present on this subject. He was one of those who would not punish a man for his religious opinions; but, as the matter had been represented to him, Mr. Taylor had been guilty of the most indecent conduct, which the State had a right to take notice of. If these representations were true, he could only hope, for Mr. Taylor's own sake, that he had been out of his mind at the time he was guilty of such conduct. He would take that opportunity of observing, that the Society for the Suppression of Vice had not acted with judgment in their prosecutions, but had awakened in every instance the public sympathy in favour of the individuals against whom they directed their attacks.

Mr. *Warburton* said, that if Mr. Taylor had been left to himself, he would long ago have ceased to excite any interest in the public mind. He wished that had been the case, and in order to attain that desirable end, he recommended the Government to adopt the course pursued by a late right hon. Secretary of State, who, when he found that the continued imprisonment of Mr. Carlile produced a degree of sympathy on his behalf and procured that individual large subscriptions, released him at once from the imprisonment that had operated so strongly in his favour with the public.

Mr. *Hunt* said, the hon. member for Bristol was not very charitable, if he thought because a man might be mad he ought to be locked up in a dungeon. He (Mr. *Hunt*) had no doubt that the person in question would soon either become really insane, or die under such treatment.

Mr. Phillip Howard said, he thought Ministers had acted with a sound discretion with regard to this person; certainly it was not prudent to draw such people from obscurity unnecessarily, but there were particular cases, and this was one of them, where blasphemy could not be overlooked.

Mr. Maberly said, it would be much more convenient if any hon. Member thought Ministers deserved censure for their conduct towards this man, to bring a specific motion before the House, when it could be properly dealt with, rather than raise continually these incidental discussions.

Mr. Ruthven said, a man ought not to be subjected to punishment for his opinions; but at the same time he thought the effect of these opinions required to be remedied by the law. Undoubtedly it was the duty of Government to protect both the religion and the morality of the country.

Petitions to lie on the Table.

DISMISSAL OF EARL HOWE.] Mr. Trevor rose to put a question to his Majesty's Government, on the subject of the dismissal of a noble Lord from his appointment of Chamberlain to the Queen. He had put a question on this subject a few days ago to the noble Lord, the Paymaster of the Forces, and that noble Lord had stated that Earl Howe had tendered his resignation, which was accepted. He had since received a letter from Earl Howe, with whom he had not the honour of being personally acquainted, in which that noble Earl stated, that the noble Lord's account of the transaction was inconsistent with the real facts of the case. That letter he now held in his hand, and as he was authorized by the noble Lord to make any use of it he thought proper, he would read it to the House:—

"Gospel, Atherstone, Oct. 16.

"Sir—Although I have not the honour of your acquaintance, I am certain you will pardon the liberty I take in making a few observations on a question which the papers of yesterday mentioned to have been put by you in the House of Commons respecting my dismissal from the Queen's household. If the answer Lord John Russell is reported to have given in *The Times* is the one he really made, I must say his Lordship made a statement at direct variance with the real facts of the case, which are these:—

"In the month of May last, and for the

second time, I submitted to his Majesty my intention of opposing the Reform Bill, and my perfect readiness to resign my situation as Chamberlain to the Queen, at any moment that he might be pleased to fix on. I received, in reply, a most gracious command to retain my office, and a distinct recognition of my privilege of being perfectly independent of any Government, from the circumstance of my being in her Majesty's household. My having offered to resign again was out of the question, as I was allowed, by the King's own communication, to act and vote exactly as I pleased. Nothing, therefore, but the positive request of Lord Grey and his colleagues to the King for my removal, in consequence of my vote the other night, has been the cause of my being no longer in her Majesty's household. I feel that it is but common justice to my own character to make this statement, and to give you full authority to make whatever use of it you like, except the insertion of it in the public papers. I have the honour to be your faithful and obedient servant,

"Howe.

"The Hon. A. Trevor."

He felt it necessary, acting on this occasion as he had on the former, without any communication with the noble Lord as to the course which he might think proper to take, to put a question to his Majesty's Government. He did so as an act of justice to the noble Lord who had been removed from his appointment. The question which he wished to put was, whether Lord Howe had not been dismissed from the situation of Chamberlain to her Majesty in consequence of the vote that he had given on the Reform Bill, notwithstanding the assurance that had been made to him by his Majesty that he might vote on that question as he pleased?

Lord Althorp said, that the hon. Member and the House must be aware, that the removal of any individual from any appointment in the household of their Majesties was made in the undisputed exercise of the royal prerogative, to remove or retain any individual at pleasure. It would not become him, therefore, standing there as a Minister of the Crown, to enter into any statement, or to give any opinion, as to the grounds of such removal.

CHOLERA MORBUS.] Sir Richard Vyvyan wished to put a question to the Vice-President of the Board of Trade, on the subject of the Cholera Morbus. It was known that this fatal disorder had appeared at Hamburgh, within thirty-six hours' voyage by steam to this country, and he was desirous of learning whether Govern-

ment had received any official information of that circumstance? and whether, as the disease had now only to cross the German Ocean, any additional measures of quarantine had been taken against it? It seemed an unfortunate mistake, that the violence of the Cholera Morbus was attenuated by crossing the sea; and it was known, that when it was conveyed from Calcutta to Mauritius and the Isle of France, it was felt in those islands with the greatest severity. There was every reason to fear that it would make its appearance in this country; and if so, he hoped steps would be taken to isolate places infected, so as to prevent the spreading of the disorder. He had adverted to the subject prior to the prorogation, in hopes that the attention of the people would be directed to it. They would themselves be the best guardians and conservators of the public health; and ought, immediately a place was attacked, to insist that a circle should be drawn round it.

Mr. Poulett Thomson said, in reply to the question asked by the hon. Baronet, that in the course of last week, the Government had received information, though not of an official character, that the Cholera Morbus had reached Hamburg. Immediately on the receipt of this intelligence, the Government issued orders enforcing a more strict quarantine with respect to all vessels coming from Hamburg, and had directed further precautionary measures to be taken with regard to vessels coming from any part of the coast lying between the north of Denmark and Rotterdam. All vessels arriving either from Hamburg, or from any port within the district he had just described, would be subjected to new regulations. In addition to this, the Government had thought it advisable to call public attention to the subject, and had recommended the different authorities in the country, both lay and ecclesiastical, to use all the means in their power to keep the disease out of their respective districts, or, should it appear, to prevent its spreading. He perfectly agreed in the observations which had fallen from the hon. Baronet with respect to the nature of the disease. From all the accounts which he had received, it appeared to him quite ridiculous to suppose that the nature of the Cholera Morbus was much affected by a sea passage. We had hitherto been able to keep this dreadful disease entirely out of the

country by the employment of precautionary measures, and he trusted that we should be able to do so for the future; though the disease undoubtedly became more formidable as it approached those shores with which this country was in the habit of frequent communication. Should, in any instance the disease be introduced, it would depend, in a great measure, on the exertions of the people themselves on its first appearance to check its progress. The recommendations, which he had already stated the Government had issued to the different authorities in the country, contained a statement of those precautionary measures which Government thought it desirable should be taken, and he had no doubt that if they were carried strictly into effect, they would, if the disease should unfortunately appear in this country, check its progress, if not entirely confine it to the place of its first appearance.

Mr. Warburton said, that there were no precautionary measures, not even the establishment of a coast guard, to which he should object, for the purpose of keeping this dreadful disease out of the country. Its effect was more calamitous than that of war itself, and they were bound to do all which human wisdom prescribed to preserve the country from its ravages. He suggested that a cordon should be drawn round those districts where the disease should break out.

Mr. Hume asked whether there was any medical person at Hamburg, appointed by Government to watch the disease, and make a report on its peculiar nature?

Mr. Poulett Thomson said, that when the Cholera Morbus broke out in Russia, Government despatched two medical men to Petersburg, for the purpose of inquiring into the nature of that disease. Those gentlemen had left Petersburg, and had arrived at Hamburg, and would forward any information they were able to obtain connected with the disease, to the Government at home. He thought it a most fortunate circumstance that those gentlemen were able, by their accidental presence at Hamburg, to report to Government the progress of the disease in that place. He had as yet received no information of their having reached Hamburg, but in all probability they had arrived there by this time.

Mr. Trevor said, he had received communications from Northumberland, ex-

pressing considerable alarm on the subject of the Cholera Morbus.

Sir Richard Vyvyan suggested to the right hon. Gentleman opposite whether, as all persons coming from Hamburg must perform quarantine, it would not be advisable to put an entire stop to the steam navigation.

Mr. Poulett Thomson thought that that object could be effected of itself, without any official regulations on the subject.

Sir Richard Vyvyan observed, that a vessel after remaining twenty-one days in quarantine, had worked its way up to London and discharged a cargo of rags. He thought that if there had been any infection in the rags, it could not have been got rid of in the course of twenty-one days.

Mr. Poulett Thomson said, that the importation of rags coming from infected places, was now prohibited.

Mr. Hunt advised the Government to take the duty off soap. The poor classes would then be able to keep themselves clean; and cleanliness would be found the best preventive of Cholera Morbus.

[BANKRUPTCY COURT BILL.] Lord Althorp moved the third reading of this Bill.

Mr. Warburton begged to ask the hon. and learned Gentleman whether the three Commissioners of the Sub-division Court must be unanimous? hitherto, the practice had been, that a majority of opinions was regarded as decisive.

The Attorney-General said, the practice would be continued, and the opinions of a majority of the Commissioners be considered decisive.

Mr. Warburton said, he wished to make one or two further remarks. He understood a certain amount was to be paid when a dividend was declared; he, therefore, begged to suggest, whether a certain rate per cent would not be more advisable? again, he wished to know, whether the official Assignees would be allowed to act as auctioneers?

The Attorney-General said, with regard to the first point mentioned by the hon. Gentleman, a clause was prepared which he hoped would meet his views; and with respect to the second, there was nothing in the Bill to prevent the official Assignees from acting as auctioneers.

Sir Charles Wetherell said, that arrangement would be an excellent one. It would make the new Court an auction mart, and

the Judges and Registrars might be very beneficially employed as puffers.

Mr. Hume wished to know whether the noble Lord opposite intended to introduce a clause into the bill to render the case of each of the existing Commissioners, with respect to compensation, subject to inquiry. He also stated his objections to giving the Judges appointed under the bill any superannuation allowance.

Lord Althorp said, that the case of each individual Commissioner, with respect to compensation, would be taken under the consideration of the Treasury, and decided on according to its own merits. That was the principle upon which compensation was now given. With respect to the retiring allowances to the Judges, he had already stated his own opinion—and he was inclined to maintain that opinion—that persons appointed to judicial situations ought to be allowed retiring pensions; or else they might keep their offices when they were too old properly to discharge the duties. But he had since communicated with the Lord Chancellor on the subject; and that noble and learned Lord considered, that the principle upon which the hon member for Middlesex had urged his objection to their retiring pensions, was unanswerable. The noble and learned Lord said, that it was the duty of every person to lay by part of his income for support in his old age, the more particularly when his income was not variable, but fixed. No clause with respect to compensation had been introduced into the Bill, because the general act, relating to compensation, did not apply to judicial offices.

Mr. Wrangham said, he regretted that so many personal remarks were mixed up with this question. Those who felt it their duty to oppose the Bill, were described as factious. Such language was as painful to those to whom it was addressed, as it was unbecoming to those who used it—he admitted the evils of the existing system, and was willing to remedy them; but he did not think that the Bill would effect any improvement. The principle defects of the present system were, the great number of tribunals, the number of Judges in them, and that they were not constantly open. These evils could be reached only by diminishing the number of Judges, and making them sit continually without any adjournment. The Bill, in fact proceeded partly upon that principle, but it did not di-



minish the number of tribunals, for it established a Court of Review, which he held to be unnecessary. He thought that the Judges of the Division Courts might have occasional meetings in larger numbers, and perform the duties assigned to the Court of Review. Again, he looked with some fear at the new Bankruptcy Court being independent of the Court of Chancery, on account of the intricacy and importance of some of the questions which were occasionally to be decided; and he thought there was some danger in leaving the power of deciding these to a tribunal of inferior importance. Of course that could not be attended by the first advocates, and the suitors must experience disadvantages on that account. Even allowing a Court of Review to be necessary, he had heard no reason for appointing four Judges to preside in it. One he thought would be sufficient, and this had been so evident to the framers of the Bill, that they had provided other duties for these Judges, besides performing the duties of the Court of Review. It was arranged, therefore, that they should act separately as Commissioners, and preside over the trial of issues. With regard to these parts of their duties if they were to preside only as Commissioners, they ought to be paid as such, and not as Judges; and as to their presiding over trials, the three main sources of issues would by the very provisions of the Bill itself, be cut off.

Mr. *Freshfield* said, upon this last occasion he must protest against that part of the measure which appointed official assignees. The consequence of it would be that no respectable creditor would act as assignee with them, and that frauds which were now discovered would remain undetected, as the official assignee could have no interest in bringing them to light. Another consequence of their appointment would be, that Commissions of Bankruptcy from Bristol, Manchester, and other places, would cease to be worked in London to avoid the additional expense that would accrue to the estate from their percentage being paid out of it in addition to other charges. The little the Judges of the Court of Review would have to do would be still further reduced by the diminution of bankrupt cases worked in London, and the Chancellor and Vice-Chancellor be but little relieved; for they would still have to attend to all questions connected with country bankruptcies. He

believed, as the Bill now stood, it would be found impracticable in several points. At present he would only allude to one, and that was, that the Bank of England neither could nor would undertake some of the duties and charges which the Bill contemplated. He recommended this point at least to the serious attention of the noble Lord.

Sir *Charles Wetherell* said, that since he had practised in Westminster-hall, he never remembered any Bill for the amendment of the law so pregnant with mischief and danger as the present measure. The Tory party had been accused of being hostile to all Reform, and had been described as "factious." "To that he would simply say, they had made many reforms in the jurisprudence of the country, and that they had proceeded upon sound principles, and after due inquiry. He could by no means give the same credit to the author of this measure. He hoped it would be the last attempt at the emendation of the law which would ever proceed from the same quarter from which this had originated. He took leave of the Bill with the prediction that the Bankruptcy Courts would not endure long.

Bill read a third time and passed.

#### HOUSE OF LORDS, Wednesday, October 19, 1831.

MINUTES.] Bills. Read a third time and passed; Crown Lands; Inclosure; (Standing Orders suspended).  
Petitions presented. By two NOBLE LORDS, from the Catholic Inhabitants of Moycullen for the Extension of the Galway Franchise to Catholics, and from the Inhabitants of Silverston, in favour of the Reform Bill.

COAL TRADE.] Lord *Wharncliffe* said, that he had learnt that a conversation had taken place in their Lordships' House a few days ago, upon the third reading of the Appropriation Bill, in which a noble friend of his had taken occasion to say something with respect to the operation of the recent removal of the Coal duties. His noble friend had complained that the result of the measure of removing the duties was, to occasion a very considerable loss to the revenue, without any corresponding benefit to the consumer. He stated that the price of coals to the consumer was only 2s. less, and that the difference between that and the 6s. of duty removed must go into some other pockets. He (Lord Wharncliffe) was anxious that the coal-owners should stand clear with the

public, and he could assure the House, that if the public did not benefit to the full extent of the duties removed, the coal-owners were by no means benefitted by the difference, which had not gone into their pockets. The prices of coals at Newcastle and Sunderland were precisely the same now as they were before the duties were removed; and in point of fact, the coal-owners were losers instead of gainers. When the tax was taken off, the stock in London was extremely low, in consequence of the anticipation generally entertained that the tax would be reduced. The coal-owners continued to supply the market as usual for a few weeks, when the workmen at the pits seeing a favourable opportunity, struck for an increase of wages, and they kept the pits for seven weeks unworked; so that coals were actually imported into Newcastle in order to keep the different steam-engines at work. This had ended in an increase of wages to the amount of from ten to fourteen per cent, and as the price of coals had not increased, the coal-owners were consequently losers to this extent. In addition to this, the workmen by an agreement among themselves, would not work beyond earning a certain sum a day. This state of things was brought on undoubtedly from one of those combinations among the operatives, which caused increased difficulties every day, in carrying on any kind of trade in this country. The result of this combination among the colliers was, that the coal-owners could not supply the markets to the extent of making up their losses sustained by the increase of wages. He would only add, that if the workmen were allowed to proceed as they at present occasionally did, it would strike at the prosperity of the manufactures and commerce of the country. The coal-owners, it was to be feared, would not be able to supply the markets adequately with coals until next spring, if they had to contend with such combinations; but their inclinations and their interest both induced them to furnish an ample supply, as the reduction of price ought to cause an increased consumption which the coal-owners were anxious to meet. He should move, "that there be laid before the House a return of the prices in the London markets of seaborne coals, from the 1st of February to the 17th of October, 1831."

The Earl of Falmouth had understood

the noble Duke to have said, that the public had not derived the full advantage of taking off the duties, but he had not understood the noble Duke to say by whom the benefit had been reaped, although the presumption was, that it was the coal-owners.

Motion agreed to.

**BANKRUPTCY COURT BILL.]** The Lord Chancellor, in moving their Lordships to agree to the Amendments which the Bankruptcy Court Bill had received in the other House, felt it his duty to state to their Lordships what those Amendments were. The first was, the disqualifying of the Judges of the Court from sitting in Parliament, and this he should say was merely supplying what had been an inadvertence in their Lordships' House. There were one or two alterations in the Bill which were of little consequence, but he should open to their Lordships what were the main alterations which had been made in the Bill. The machinery for compensating persons who were to lose by the Bill, was perfectly satisfactory to those who, like Lord Thurlow, were concerned in it, and their Lordships could have no objection to this clause as it now stood. He would merely observe, that no compensation was in any case to be given in the lump, but only according to the claims of each individual. The only material alteration which the Bill had undergone, he would now explain to the House. He had stated in the first instance, that the Judges of the Court were to have retiring pensions after twenty years' service. They were now to have no pensions, and it was in his opinion that it was not necessary to give learned persons in such places retiring pensions. If a man at the Bar received his employment by the year, he had a precarious income, and was subject to various accidents. He might lose his health, become old, or might lose his business, without any fault of his, and he must be exposed to every accident, physical and moral, and to all the changes which those who followed the profession of the law so well knew themselves to be liable to. For these reasons every man of prudence made provision for his family, and when he came upon the Bench he was generally possessed of a considerable fortune. He would ask, why should not the Judges make provision for their families, either by laying up money, or by means of

that most excellent invention of life-assurance? Why should not a man with a fixed income insure his life as well as a man who possessed a precarious income? In the case of a Judge, he could not see that there was any necessity for a retiring pension. If it should be found that the effect of this doctrine would be to prevent the getting of the assistance of men of sufficient ability and experience from the Bar, or if it should make men adhere pertinaciously to the gains of office after they were unfit for the adequate performance of their duties, then it would be fit that their Lordships should again send the Bill to the other House of Parliament; or rather, as this was a money clause, it would be fit that the other House should of itself revise this clause. He had to move that the Amendments be agreed to.—Ordered accordingly.

#### EXCHEQUER COURT—(SCOTLAND.)]

The Duke of *Buccleuch* wished to know if the noble and learned Lord would lay upon the Table of the House the returns for which he had moved, relative to the Exchequer Court of Scotland, they were, "An account of the number of cases in the Court of Exchequer in Scotland, distinguishing undefended causes, causes tried, defended causes tried, and causes compromised without any trial, for the last five years, distinguishing each year.

The Lord Chancellor had no objection whatever to lay the papers upon the Table of the House. He should take the opportunity of his being upon his legs to advert to an observation which had been made relative to the amendment of the Bankrupt-laws themselves. A Commission had been sitting during the whole of the last twelve months, and learned Commissioners had been added to it, in lieu of those who had been promoted to the Bench. The Commissioners had entered into the most important questions of law—such as the law of debtor and creditor and the great subject of imprisonment for debt. They had collected a vast mass of the most important information from persons experienced both in law and in trade, and they had examined between 300 and 400 persons, so that they would be able to make a Report which would be the foundation of some of the most salutary alterations which ever were made upon such great and important subjects. He had been asked whether he intended to abandon the plan

of local jurisdictions—the plan of making justice more cheap and more accessible to all men. He would answer, that he intended to adopt the salutary suggestions of the present Chief Baron, and to submit to the Commissioners of Legal Inquiry the whole question of those local courts for the purpose of its undergoing the most thorough investigation. In six months or less, a very important Report would be made from the Commissioners upon the subject of the local court jurisdiction.

The Earl of *Hardwicke* begged to ask his noble and learned Lord, whether it was his intention to make any improvement in the laws respecting creditors who avoided the payment of their just debts by leaving the country, and residing abroad. He now knew a person who resided at Boulogne for this purpose, though he regularly received an income of 800*l.* a quarter, from his property in this kingdom.

The Lord Chancellor said, that the subject which the noble Earl had mentioned was one of the very highest importance, and it had received a due consideration from the Commissioners of Law Inquiry. It would be a very imperfect arrangement which did not provide for cases such as the noble Earl had mentioned. He (the Lord Chancellor) abstained from stating the principles upon which the Commissioners had proceeded; but he would say, that a more shameful, scandalous state of the law could not possibly exist, than that of which persons could avail themselves by going abroad, or living within the rules of the King's Bench, and thereby avoid the payment of their debts. He himself knew a man of 8,000*l.* a-year who lived in the rules in order to avoid his creditors. The expenses of law proceedings, those of the Insolvent Court, the discharge of prisoners, the expenses of debtors while in gaol, and those of collecting debts, amounted altogether to 600,000*l.* a-year, and all this was abstracted from the funds of the creditors. In addition to this the sum of 116,000*l.* a-year was spent in justifying bail. If the Report of the Commission of Law Inquiry was attended to, this sum of between 700,000*l.* and 800,000*l.* a-year would be thus swept away from such a useless direction, and added to the fund for the payment of creditors.

Viscount *Melville* wished to take that opportunity of making an observation or two on the Court of Exchequer in Scotland. The reason why so small a number of cases

were decided in that Court was, the system adopted of trying such causes in inferior Courts where it was usual to compound for penalties: when prosecutions were instituted, the defenders were induced to enter into compositions, and to pay a composition for the penalties, in order to save expenses. That was the cause of so little business being done in the Court of Exchequer. That power of compounding was one which ought not to be intrusted to an inferior Court, but ought to be under the control of the highest law officers of the Crown. That was a system which had grown up of late years.

The Lord Chancellor said, the same system of compromise in revenue causes prevailed very much in the Court of Exchequer here also. The Crown neither gave nor received costs; and it was often thought advisable to compromise. The revenue causes occupied but a very small portion comparatively of the English Court of Exchequer, the Judges of which tried other causes, and went the circuits. The Scotch Court, on the contrary, was entirely confined to revenue causes. The returns called for by the noble Duke (the Duke of Buccleuch) extended only to the number of causes tried in the Scotch Court of Exchequer in each year during the last five years. If the noble Duke pleased, this might be extended to twenty years.

The Duke of Buccleuch said, he should be happy to attend to the suggestions of the noble and learned Lord.

A return was accordingly ordered of the number of causes tried in the Scotch Court of Exchequer in each year during the last twenty years, distinguishing between those compromised and those not compromised.

#### HOUSE OF COMMONS,

Wednesday, October 19, 1831.

**MISCELLANEOUS.]** Bills. Vestries: Lords Amendment agreed to. Returns ordered. On the Motion of Mr. HUME, the number of Persons Imprisoned for Offences against the Game Laws.

**Petitions presented.** By Mr. EVANS, from the Journeymen Shoemakers of Northampton, for the Repeal of the Tax on Newspapers:—By Mr. HUME, from Householders of Clarksell, for a Repeal of the House and Window Tax; from an Individual confined in the King's Bench Prison, against the Law of Arrest for Debt; from the Inhabitants of Chichester for the abolition of the Pension List

**TITHES.—PRESCRIPTION.]** Mr. Hume presented a Petition from the land-owners of Nether Staveley and Over Staveley, for a limitation of time beyond which no

right to tithes in kind could be claimed. The petitioners stated, that for the last 250 years the lands in their parishes had been exempt from tithes, except upon wheat, for which they paid a modus. Recently, however, the right to levy tithes in kind upon the whole land had been claimed, and legal proceedings taken to enforce it. He very much regretted that the bill which had been proposed on the subject of Prescription, and which would have put an end to so monstrous an evil, had not been passed.

Mr. Warburton thought that any future measure introduced on this subject hereafter should be retrospective in its operation, because in the interval many claims would be made, and these would be the cause of much expensive and vexatious litigation.

Mr. John Campbell regretted the loss of the former bill the less, as he considered it very objectionable in several of its provisions. One clause in particular, which had been introduced by a right reverend Prelate in the other House of Parliament, was so exceedingly obnoxious that he could by no means have consented to it.

The Petition was ordered to be printed.

**REFORM.—PETITIONS.]** Mr. Hume presented a Petition from the Council of the Birmingham Political Union respecting the late rejection of the Reform Bill. He said that this petition had been sent to his hon. and learned friend the member for Kerry, and he presented it on behalf of that hon. and learned Gentleman. He took that opportunity of expressing his opinion in favour of Political Unions. Much had been said upon the impropriety of suffering large bodies of men to assemble together for the avowed purpose of effecting a common object; but he was firmly persuaded that bodies of persons so united were highly useful, because they induced the people to seek by order, reason, and steadiness of purpose, that which might otherwise be sought by riot, violence, and bloodshed. If there had been a Political Union in Derby, or in Nottingham, the riots which had disgraced those places never would have taken place. In that respect, the conduct of the Political Union at Birmingham deserved the approbation of that House. In that town, though the feeling was as strong as in any other part of the empire, not the slightest tumult had occurred. The petitioners

thought, that if this measure was not carried now—legally and by the existing authorities—a larger measure would ultimately be carried by popular force. They expressed their hope that that House would address his Majesty, entreating him to create 100 new Peers, with a view to carry the measure. They remarked, that the House of Peers had rejected the Bill, and that the House of Commons had pledged themselves to support the measure, in consequence of which the two Houses were in opposition to each other; and that it was not possible that that state of things should continue for any length of time without the country being plunged into utter and irretrievable ruin. With the feeling of regret expressed by the Petitioners he most fully concurred, but he at once admitted that he did not agree with that part of the prayer which desired that House to address his Majesty to create an additional number of Peers; and he did so, because he thought that such a measure at this moment would be quite unnecessary; for he had little doubt that their Lordships would see the feeling of the country was so strongly declared in favour of the measure, that they would not hesitate to adopt it. The petitioners also expressed their hope that the Parliament would speedily be dissolved, and a new one chosen on the principle of the late Bill.

Mr. *Hunt* said, it was rather odd that the hon. member for Middlesex, in presenting a Petition, should denounce the prayer of it. He could bear testimony to the respectability of many members of the Birmingham Union, and he found it necessary to say this, because the remarks he had before made regarding that Union had been grossly misrepresented. He had been charged with desiring to have it put down. All that he had done, which had given rise to such scandalous misrepresentation, was, to contrast the conduct of the present Government, when the members of the Birmingham Political Union had held up their hands against the payment of taxes, with that of the Government of the day when a similar proceeding took place at Manchester. In that instance the people were cut down by the Yeomanry. At Birmingham the Union received the approbation of Government. He believed, however, the members of the Birmingham Union were not fairly treated in this petition of their council, because

he knew they desired the Vote by Ballot and Annual Parliaments. He wished to recommend a resolution passed by his constituents to the consideration of the House: it was to this effect, "We rely on your Majesty's known firmness; we implore your Majesty not to create any more Peers, but take such constitutional measures as will secure the passing of the Reform Bill, which can alone restore this country to prosperity and happiness." A similar address had been agreed to at Manchester.

Mr. *Hume* said, the hon. member for Preston had misunderstood him; he did not mean to say that he disapproved of the prayer of the Petition, but that he thought it unnecessary. He now begged to move that the Petition be printed. He was ready to allow that it contained several very strong expressions but not any that made it objectionable, so far as printing it was concerned.

Sir *Richard Vyvyan* said, there were two objections to the petition, which he thought would prevent its being received by the House. The first was, the manner in which the majority of the House of Lords was spoken of; and the next, the way in which the House of Commons was spoken of as pledged to a certain course, which put them in opposition to the House of Lords, and from which course it was obviously meant to be imputed they could not depart without violating their faith to the people. The petitioners stated, that they saw and felt that great and important interests were endangered by the obstinacy of one or two hundred individuals, who, by their conduct, had justly incurred the indignation of the country. Again, in another part of the petition, it was said, that from the folly and obstinacy of a numerical majority of the upper House of Parliament, a measure had been lost on which depended the happiness and prosperity of the country. He put it to the House, whether these were proper expressions for a Petition addressed to any branch of the Legislature. He wished, also, to remark on what had been said by the hon. member for Middlesex with respect to Political Unions. That hon. Member had asserted, that the only way in which the public peace could be effectually maintained was by these Political Unions. He would tell that hon. Member, that that was the way by which the public peace was overthrown. He would say, God defend this country

from Political clubs. He would tell the hon. Member what sort of a Parliament had been within a short time back constituted at Naples under the government of these Political clubs. He was there himself at the time, and he could speak positively as to the fact. There was a legislative body in existence, every member of which was threatened by Carbonari Clubs if he did not speak and act in a certain way. He repeated, that he hoped he should never see the time when this country would be governed by Political Unions.

Sir Francis Burdett said, that after the observations just made by the hon. Baronet, he could not abstain from saying a few words on the subject. He was not aware that these Political Unions were either illegal, or unconstitutional, or improper. He said this, because he was himself a member of a Political Union, and he did not think that he was laying himself open to any censure on that account. He thought that, instead of being improper, they were both justifiable and necessary: that it was absolutely necessary for the people of England to show their determination to obtain a remedy for that scandalous state of corruption which existed in the system of the election of Members of that House; and which, until within these few late years, no man had ever ventured to have the face to say was defensible in any point whatever. Who, he would ask, had been the occasion of these Political Unions? They had arisen out of the perpetual denials of that House to give the people their due share in what was called the representation of the people. That was the cause of these evils, if evils they were; and evils, in one respect, he admitted them to be; but they were attributable entirely to such persons as the hon. Baronet, and those who supported him. The present Ministry had brought in this Bill to prevent the necessity of the people taking steps of such a nature, and their object had been most unhappily defeated. But as the people were disappointed in their just expectations, were they to be kept from expressing their dissatisfaction? If the language they used was thought too strong, he could not but say that he thought it, under all the circumstances, very excusable; and that those who by their conduct had occasioned that language to be used, were the last who ought to find fault with it. Ever since he had known his countrymen, he

believed it had always been considered their right freely to express their opinions on the whole or any branch of the Legislature. Yet now the doctrine was put forward in that House, that strong language from the people was not to be there endured. He said, on the contrary, that such a doctrine was not to be endured. The attempt to stifle the free expression of just complaints would promote all the evils which they affected to dread. Hon. Gentlemen complained of Political clubs indeed: why, had not these very Gentlemen established clubs of all kinds? They governed Ireland for years by Orange clubs. How long, too, was it thought an honour to belong to Brunswick clubs? and when the people at length insisted on a measure of Reform, and the Ministry had the honesty to bring a measure of Reform before the public, whether it met the wishes of every one man in the country he would not venture to say; and there was no man in his senses who would expect, as the hon. member for Preston seemed to do, that it should meet the wishes of all; it was at least a measure in which the interests of all men were consulted; in which men of property were conciliated, because the value of their property was for the first time considered in the system of Representation, and in which all men saw a probability of enjoying the elective franchise, and of exercising it freely and honestly; such a measure, though it might not satisfy every one man in the country, would at least satisfy all men of moderation, and all such men were united in its support—but when an honest Administration, for the first time in the history of Government, had come forward with a remedial measure of that sort, and demanded support from the people of England, it was most provoking—so provoking that it was difficult to keep language within the limits of the rules of that House, difficult to keep it within the bounds of decency and propriety, it was, he repeated, most provoking, the king having nobly set himself at the head of the Reformers, and a whole people supporting the Reform, that a few persons should be found directly opposed to it, and that, when it was rejected, those persons should expect that all the world would bow and bend to their will, and consent quietly, at their good pleasure, to give up all hope of what every honest man was convinced was necessary for the prosperity and happiness of the country.

He defied the Government to go on without adopting such a measure. Suppose the Ministers had been silly enough to shrink from their duty to a most brave and generous Sovereign—to shrink from their duty to the public—suppose they had done this, then, even then, he would ask, if they threw up the reins of government, who would venture to take the conduct of the Government except upon the basis of this measure of Reform? It came then to this, that the opposition to this measure was a factious opposition—an opposition for the purpose of turning out the Administration. He was the more convinced of this when he saw those Gentlemen who began with opposing all attempts at Reform admit, at last, that Reform was necessary, while they threw in the way of every species of Reform all sorts of obstacle, and tried to veil their real opposition to Reform under an affected opposition to this particular measure. Why, even the Duke of Wellington himself now admitted that some Reform was necessary. A short time since it was not so with the noble Duke, and the world gave him credit at least for manliness and courage when he made the declaration. But even he had been compelled to recede from the point of absolute refusal of Reform. He found himself in a false position, and had receded from the point which he appeared at first to have taken up with the same desperate resolution with which he had taken up his position at Waterloo—a position from which he said he would not move, and which the valour of our brave countrymen, on whose rights they were now deciding, had enabled him to maintain. On that occasion his resolution was nobly justified by the courage of the men whom he then commanded; but on the present he was forced to abandon his ground. It was true he had not now the same steady troops as on that occasion; his present followers fell off from the advanced posts to which he had ordered them, but which they found to be positions that were quite untenable, and he himself was at last obliged to give up his position and effect his retreat. But what was the cause of all this? It was the strong necessity which neither he nor any other man could resist. It was clear that there was no hope for the amelioration of grievances of which the people had often complained,—but the complaints about which had hitherto been disregarded—but the adoption of this measure of Reform—and its

adoption could only be secured by the people giving their full support to those Ministers who had so well deserved it by proposing such a measure for parliamentary adoption. Let them, then, give their confidence to the Ministry—let them show that they were convinced, as he was, that the Ministers would not abandon the duty they owed to their Sovereign and to the people. At the same time he was certain that whatever steps were adopted by persons out of the House, they were adopted, not with a view to dictate to the Ministry, but to shew the Ministry that they ought not to shrink from completing the great work they had begun, and to prove to them and to their opponents that there was nothing likely to throw the country into confusion but the rejection of this measure. Every one, however, was convinced that the measure could not be finally rejected; but every one was also convinced, that to enable the Ministers to carry it, the people must zealously give them their support. The people were well inclined to do so, for they felt how much they were indebted to the present Ministers, and that their interests required them to give Ministers their support; for they knew that the country would never be settled till this measure was adopted; and they did not despair, for, knowing the general feeling of the people, they knew that the measure could not long be resisted. And who were those who resisted it? One set of its opponents was a parcel of intriguing gentlemen at the west end of the town; and there were intriguing ladies, too, “mighty gossips in this our commonwealth,” whose interference in such matters was a thing, he must say, hitherto unknown. He regretted that interference, because he thought that when ladies once got out of the domestic circle, and got into the political, they lost much of the influence they would otherwise properly possess; and he was tempted to pass upon them a similar judgment to that which *Mrs. Peachum*, in *The Beggar’s Opera*, passed upon them. *Mrs. Peachum* said, “Women are bitter bad judges in cases of murder;” and so, he said, “Women are bitter bad judges in cases of politics.” For himself he could only say, that, considering things as they now stood, he could almost wish the Kings in past times had made use of their prerogative, and had discontinued to send Writs to decayed boroughs, and had, at the same time, sent

Writs to boroughs that had grown great and flourishing. If that prerogative had been used, that House would not have been in the situation in which it was now, but there would have been, as it were, a daily Reform, suppressing the elective franchise of inconsiderable boroughs, and transferring it to new and populous and flourishing towns. The King, no doubt, possessed the right of withholding these Writs, and of issuing them; and had that course been adopted from the beginning, there would have been a Reform of Parliament which would not have required the interference of the House of Peers. Indeed, he was almost prepared to say, that as Reform essentially concerned the privileges of that House, and the control over the public purse (a control of which, on other occasions, they were so jealous that they would not permit the other House to make the smallest alteration in their money bills—not even in a relaxation of the public burthens), it was a matter with which the other House ought not to interfere. He was sorry that the House of Lords should thus have brought themselves into a situation far from estimable, in the eyes of the country, doing themselves no good, and forcing upon the minds of the people an inquiry as to the limits of their privileges. He wished to see the Constitution preserved; he believed it was an excellent Constitution in practice; but when it had been corrupted, it should be purified; and, therefore, he wished to see a fair and free and full representation of the people, for that was part of the Constitution; and he, therefore, did regret most deeply, that the Peers should have opposed themselves to a demand which was made by the whole people of England—namely, that a measure should be passed to secure to them their constitutional right—the right of controlling the public purse. What did all the rant about Jacobinism and revolution mean—what did it come to but this—that those who ranted thus wished still to exclude the people from the right he had referred to—the right which they now sought with so much anxiety? In what was passing out of doors he saw nothing to alarm men, except they went on exasperating the public by delay and refusal, till the public would no longer be satisfied with this just, rational, and effective measure, but would be determined to have more than their warmest friends now called on the opposite party to grant. They

must all recollect the play of *Henry IV.*, when Hotspur, Owen Glendower, and others, were engaged in portioning out England. In that scene, Glendower had taken the Trent for the limit of his portion; and Hotspur, thinking it would trench too much upon his portion, said—

“I'll have the current in this place damm'd up;  
It shall not wind with such a deep indent,  
To rob me of so rich a bottom here.”

Glendower, of course, objected, and words ran high between them; Hotspur was told he should not anger Owen Glendower, for Glendower was a friend; on which Hotspur, with true English feeling exclaimed—

“—— I'll give thrice so much land  
To any well-deserving friend,  
But in the way of bargain, mark ye me,  
I'll cavil on the ninth part of a hair.”

So said the people of England at this moment. They would recede much if they were satisfied that they should get what they wanted, and what they had a right to ask, namely, a practical control over the public expenditure; but if that were refused them—if friendliness was dropped, and the matter became one of bargain, they would “cavil about the ninth part of a hair.” In his opinion, his Majesty's Ministers deserved the confidence of the country; and he was anxious to impress that on the country, for they had given an earnest of their honest intentions, and confidence in them would enable them to follow out what they had thus begun, while a different course would but impede them in carrying into execution the plan of Reform they had laid before the country. He knew it might be said that the people were properly jealous of bestowing their unlimited confidence; but if it was unwise to give the Government their confidence lest they might be betrayed, was it not equally unwise to withhold their confidence when they had good grounds for yielding it? In the conduct of all matters confidence was necessary. In this instance it had been given, and it should not now be withdrawn. What greater claim to confidence could be put forward by any Ministry than was put forward by the present in this one measure? What they proposed was a voluntary act of theirs—they had embarked themselves in the same boat, in the same vessel, with the liberties of their country, and they had identified their interests with those of the people. They were in the same situation as the Roman army which



went out to conquer their neighbours, the Samnites. The Roman Consul, who had determined not to retreat, placed his army in such a position, that it was impossible for the army to escape from a victorious enemy, and they had, therefore, no alternative but to conquer. The Roman Consul, in his speech to his soldiers, told them, that the contest would be desperate—that they would have to combat an enemy equally numerous, equally well disciplined, equally provided with arms, and equally full of courage with themselves; but he added, that they had one advantage—*quod maxima et ultima erant necessitate superiori*. That was the situation of the Ministers—by necessity alone they would be compelled to be victorious; they were to fall or stand by this measure; and they were sure of victory, for they were sure of the public support, and with that support they could not fail. He trusted that they would not be pressed in any way to promise a particular line of conduct. He trusted that his Majesty and his Majesty's Ministers would be enabled to relieve the country from those difficulties in which for a century past it had been involved, and that they would succeed in procuring for the country that representation, without which it was in vain to hope for good government—without which a good Government could not go on, and which alone would be able to secure the public tranquillity and happiness.

Mr. *Goulburn* was surprised at the course which the hon. Baronet had taken on this occasion. He would not, however, follow him in his very excursive speech. It was a speech which would almost make the House believe it had been intended for another occasion, but that, by some accident or other, the hon. Baronet had missed the opportunity of delivering it, and was therefore anxious, as he seemed to think it so good an oration, that the House should not separate without having had the benefit of hearing it. He would not presume to inquire whether the hon. Baronet was smarting under the witticisms of that sex he had so ungallantly alluded to, but he would confine himself simply to the question before the House, and he would contend that there would be an end to the freedom of debate, if the conduct of Members in either House were to be attacked as that of the majority of the House of Lords had been in the petition

before them. Would the House, he asked, give its sanction, by causing it to be printed, to such language as this—"that the interests of the country were sacrificed or endangered by the selfish obstinacy of 200 individuals?" And that no doubt might apply to whom it alluded, this paragraph followed, "by the folly and obstinacy of a numerical majority in the House of Lords." Was this language which the House would sanction as applying to the majority of the other House of Parliament? He would put it to the noble Lord at the head of the Government in that House, whether he would consent to the printing of a petition containing such an attack on the other House of Parliament?

Lord *Althorp* did not think that the wording of petitions from the people in times of great excitement ought to be too strictly looked at. If the hon. Baronet opposite meant to ask him, did he approve of the language of the petition? He was perfectly ready to say he did not. It was language such as he hoped he never approached to himself, and such as he was sure could be of no sort of use in the discussion of political questions. But if the hon. Baronet asked him, did he think that the petition ought to be received in the ordinary manner in which petitions upon important subjects were received, and should be permitted to be printed? That, he would answer, was altogether a question of expediency. The expressions to which the hon. Baronet objected related to the particular conduct of noble individuals in the other House of Parliament; and he had known the House to receive and to print petitions animadverting, in very strong terms, not only on individuals in either House of Parliament, but upon the conduct of the whole Legislature. He, therefore, did not think that the House would do wisely in negating the Motion of his hon. friend. But in giving that opinion, he hoped he should not be supposed to agree in or to sanction the language of the petitioners.

Mr. *Kennedy* said, he must enter his protest against the doctrine of appealing to Ministers as members of the Government on questions like the present. They ought to give their opinions only as individual Members of the House in matters which were not connected with the policy of their Government. As to the question before them, he must say, that if hon.

Gentlemen opposite knew the state of feeling in the country, they would rather feel pleasure than regret that it vented itself in this harmless way. If petitions of this kind were rejected on account of strong language, depend on it the people would press round the throne and give expression to opinions much stronger. In fact, the petitions which had been presented by the people, proved the complete tranquillity of the country; and that it was, he believed, at which hon. Gentlemen opposite were so much disappointed. The country was, however, he was happy to say, perfectly tranquil. He could speak more particularly of that part of the kingdom with which he was more immediately connected (Scotland); but he would not say that that tranquillity would be permanent, if the measure of Reform were unnecessarily delayed—ultimately refused it could not be—but he could not look without serious apprehension at the consequences of any unnecessary delay.

Mr. *George Bankes* said, he must repel with indignation the imputation of the hon. Member who last addressed the House, that Members at that (the Opposition) side were disappointed at the tranquil state of the country. They had never expected that the country would be otherwise than tranquil, and therefore the tranquillity which now prevailed was not matter of surprise, still less of disappointment, to them. They objected to such language as this petition contained, because they expected that bodies who wished to be considered deliberative assemblies would use more caution than men who met only for one occasion. The hon. Baronet had adverted to the Orange and Brunswick clubs, which he assumed were founded on the principles of the Members on the Opposition side of the House; but what would the hon. Baronet say, if petitions were presented from any of those clubs, complaining of the selfish obstinacy of Lord Grey and his colleagues, in sacrificing or endangering the interests of the country, by persisting in a violent change of the Constitution? Would the hon. Baronet think that the House ought to sanction language of that kind by ordering the petition to be printed? He had no desire to reject the petitions of any portion of the people, but he did desire that the petitions should be worded in respectful language. The question now before the House was, not whether the

petition should be rejected, for no one had any such wish, but whether the House would so far sanction the language which the noble Lord (Althorp) had declared he disapproved, as to direct it to be printed. There were many parts of the hon. Baronet's speech which he regretted, but he concurred with him in that where he put forth the prerogatives of the Crown so prominently. He was glad, also, to hear him speak of the Sovereign as the father of his people; but it did sometimes happen, that the fondest fathers mistook the passions of their children, and indulged those passions to the prejudice of their real interests.

Mr. *James Johnstone* congratulated the House on the state of tranquillity which prevailed in that part of the empire (Scotland) to which he belonged. He did not think that the hon. Baronet opposite did right in sneering at the Political Unions. He begged to remind the hon. Baronet that peace had been preserved in those places where Political Unions were established, and that riots and conflagrations had taken place in those parts of the country where there existed no Political Unions—Nottingham and Derby, for instance. 150 years ago, the people were little better than serfs, and were treated nearly the same as slaves were now treated in the West Indies, but the spread of intelligence had given them a moral strength which entitled them to a large increase of influence in the Constitution. He thought that the sooner the House met after the prorogation the better; and he believed that if the present Ministers were to leave office the whole country would be on fire.

Mr. *Hunt* said, the hon. Member who had just sat down, had made use of stronger expressions than was contained in any petition, but he merely wished to remark, in reply to the hon. Baronet (Sir Francis Burdett) opposite, who had said no person out of Bedlam could expect the people to be wholly unanimous in favour of Reform, that he (Mr. Hunt) believed they were nearly unanimous, but it was for a more extensive measure of Reform than the late Bill. The hon. Baronet had also been pleased to insinuate, that those who would not receive the franchise under the Bill, would still receive some benefit from its being extended; why this sounded very like virtual representation. He must declare that the Ministers were not entitled to his confidence, although he hoped he

should not be called a Tory for this opinion. He hoped the petition would be printed, as he considered the people of Birmingham had as much right to petition for a large creation of Peers, as the people of Preston had to petition against such a creation.

Sir *Richard Vyvyan*, in explanation, stated, that he would rather see riots in some parts of the country, than have the peace kept by means of unions, which were only instruments in the hands of demagogues.

Petition to be printed.

CHOLERA MORBUS.] Sir *Richard Vyvyan* begged to ask the right hon. Gentleman, the Vice-President of the Board of Trade, whether any communications had been received from the Board of Health relating to the quarantine establishment? That Board was composed of persons illustrious for their knowledge and acquirements, but he feared their time was too much occupied by their own avocations, to allow them sufficient leisure to attend to the progress of that dreadful disease which was daily approaching nearer to us.

Mr. *Poulett Thomson* stated, that the Board of Health had devoted a great deal of attention to the subject of the Cholera Morbus, and he believed that their labours would be found beneficial to the country. The Board had received instructions to draw up a statement of the precautions most proper to be employed, in order to prevent the approach of the disease, and that statement would be published in the *Gazette*, and circulated through every town and village along the shore opposite infected places. He hoped that gentlemen who resided along the southern and eastern coast, but particularly the latter, would endeavour, by every means in their power, to explain to the poor people, who are usually engaged in smuggling transactions, the dreadful risk to which they exposed the whole community, and themselves in particular.

Mr. *Warburton* said, that he should have been better satisfied to have heard from the right hon. Gentleman, that Government had themselves adopted the most effectual means for preventing surreptitious intercourse with the countries where the disease was raging. He thought that some commercial men might be added to the Board of Health with great advantage.

Mr. *Cutlar Fergusson* thought that all intercourse ought, at whatever risk, to be suspended between this country and Hamburg. With respect to the Board of Health, he hoped that some of the members of that board would be persons who had possessed opportunities of witnessing the progress of the disease in foreign countries. There were many individuals in this country who had witnessed the progress of the Cholera in India. Amongst this number was Dr. Russell, who had been despatched to St. Petersburg to obtain information respecting that formidable disease. He understood that Dr. Russell had returned to this country, and if that were the case, he hoped that his talents and experience would be put in requisition.

Mr. *Poulett Thomson* begged to assure the House that Government had already made every exertion in its power to prevent smuggling with the places where the Cholera was raging. Fresh hands had been employed along the coast where they had been found necessary. The Board of Health was composed of medical men, and other persons best qualified for the task which they would have to execute. Dr. Russell had not yet returned to this country. When he should return he would be added to the Board.

Mr. *George Robinson* begged to direct the attention of Ministers to the fact, that the number of deaths varied considerably in different places. He thought the Board ought to endeavour to ascertain whether this variation was attributable to difference of treatment, or to different local circumstances.

Mr. *Leader* said, the introduction of such a disease into Ireland, must be looked at with the greatest apprehensions, for it would prove especially dangerous to a population already in a morbid state.

Mr. *Hume* thought that this was a matter of the highest importance. A board should be constituted in which some of the members could devote their whole time and attention to the duties of it. He would much rather have a board composed of quarter-masters, who were accustomed to organization, and would devote their whole time to the public service, than of medical men. He thought that all our spare cruisers should be employed in stopping the contraband trade. As to expense it was quite out of the question in an affair of such moment.

**RE-ASSEMBLING OF PARLIAMENT.]** Colonel *Evans* rose pursuant to notice which he had given of a Resolution respecting the approaching Prorogation of Parliament. It had been said, that the members of his Majesty's Government required repose: it had also been said, that the Members of that House had some claim to repose; but he would tell them that the country required repose, and that nothing excepting a short Prorogation, the speedy assemblage of Parliament, and a settlement of the Reform question could give that repose to which the country was entitled. Under all ordinary circumstances he should, of course, not urge the re-assembling of Parliament before the usual time; but, under the present aspect of public affairs, he certainly should have deemed his Motion not improper, had he not heard from authority, on which he placed the fullest reliance, that the meeting of Parliament would not be postponed beyond the first week in December. He certainly had not received this communication officially, but he had it from authority in which he reposed the most entire confidence, and he, therefore, did not at that moment think himself warranted in pressing his Motion. The deepest anxiety prevailed upon the subject—an anxiety increased by the constitutional anomaly of the differences subsisting between two branches of the Legislature. It was, therefore, with great satisfaction he found himself enabled to state, from a source on which he had full reliance, that Parliament would meet as soon as possible.

Lord *Althorp* thought it necessary to say one or two words. The hon. Member had stated, that he had heard, but not officially, that Parliament would re-assemble in the first week in December. On that subject he (Lord *Althorp*) had not any statement to make. He should not feel himself justified, as a Minister, in making any statement. He hoped that all who felt anxious on the subject would do the Ministers the justice to believe that none could feel more anxious than they did for the settlement of that great question which now occupied all men's minds; and he trusted that the House and the country would place that confidence in Ministers which they had done nothing to forfeit. He hoped the country would recollect this—that the Ministers were entitled to credit for a sincere wish to bring the contemplated measure of Reform to a suc-

cessful issue. He was enabled certainly to say, that the prorogation would be of that length which was found most conducive to the success of the great measure of Parliamentary Reform. Ministers were pledged to that measure, or to one fully as efficient. Their labours were anxiously devoted to that end, and they would adhere strictly to those means most calculated to ensure that end.

Mr. *Cutlar Fergusson* was glad that the hon. Member had withdrawn his Motion. It would be inconsistent with the vote of confidence in Ministers which had been so recently agreed to.

Mr. *Ruthven* said, he would rather place full confidence in the discretion and good faith of his Majesty's Ministers than agree to any such Motion as that of which the hon. and gallant Member had given notice. He hoped and trusted the country would feel no suspicion or mistrust of the Ministers. The assurance they had now received, ought to satisfy every reasonable friend of Reform.

Motion withdrawn.

#### HOUSE OF LORDS, *Thursday, October 20, 1831.*

**PROROGATION OF PARLIAMENT.]** His Majesty, accompanied by the usual Officers of State, proceeded to the House of Peers to Prorogue the Parliament.

The House of Commons having been summoned to wait upon his Majesty, the Speaker, accompanied by Lord *Althorp*, and several other Members of the House appeared at the Bar.

The *Speaker*, holding the Appropriation Bill in his hand, then addressed his Majesty as follows:—"May it please your Majesty—We, your Majesty's most faithful Commons, of the United Kingdom of Great Britain and Ireland, in Parliament assembled, attend your Majesty at the close of a Session unusually protracted; and, Sir, among difficulties and anxiety, both within and without the walls of Parliament, and labours unprecedented in any former Session, we presume to hope that we have discharged our duties as faithful Representatives of the people of these realms, and as loyal and devotedly attached subjects of your Majesty. Sire, the last bill which I have now to present is entitled, 'An Act to apply the sum of 1,800,000*l.* out of the Consolidated Fund,

to the service of the year 1831, and to appropriate the supplies granted in this Session of Parliament, to which, with all humility, we pray your Majesty's royal assent."

The Royal Assent was then given to the bill brought up by the Speaker, and to the following Bills:— Duties on Hops, Distillation of Spirits (Ireland), Valuation of Lands (Ireland), Military Accounts (Ireland), Embankment (Ireland), Bankruptcy Court Bill. Adverse Claims in Courts of Law, Select Vestries, and Enclosure of Crown Lands.

His Majesty then delivered the following Speech:—

*" My Lords and Gentlemen ;*

" I am at length enabled to put an end to a Session of unexampled duration and labour, in which matters of the deepest interest have been brought under your consideration.

" I have felt sincere satisfaction in confirming, by my Royal assent, Bills for the amendment of the Game Laws, and for the reduction of Taxes, which pressed heavily on the industry of my people ; and I have observed with no less pleasure the commencement of important improvements in the Law of Bankruptcy, from which the most beneficial effects may be expected.

" I continue to receive the most gratifying proofs of the friendly disposition of Foreign Powers.

" The Conference assembled in London has at length terminated its difficult and laborious discussions, by an arrangement unanimously agreed upon by the Plenipotentiaries of the Five Powers, for the separation of the States of Holland and Belgium, on terms by which the interests of both, together with the future security of other countries, have been carefully provided for.

" A treaty, founded on this arrangement, has been presented to the Dutch and Belgian Plenipotentiaries, and I trust that its acceptance by their respective Courts, which I anxiously expect, will avert the dangers by which the peace of

Europe was threatened whilst this question remained unsettled.

*" Gentlemen of the House of Commons ;*

" I thank you for the provision made for the future dignity and comfort of my Royal Consort, in the event of her surviving me, and for the supplies which you have granted for the service of the present year. You may be assured of my anxious care to have them administered with the strictest attention to a well considered economy.

" The state of Europe has made it necessary to incur, in the various establishments of the public service, an increased expenditure, which it will be my earnest desire to reduce whenever it can be done with safety to the interests of the country. In the meantime I have the satisfaction of reflecting that these demands have been provided for without any material addition to the public burthens.

*" My Lords and Gentlemen ;*

" In the interval of repose which may now be afforded you, I am sure it is unnecessary for me to recommend to you the most careful attention to the preservation of tranquillity in your respective counties.

" The anxiety which has been so generally manifested by my people for the accomplishment of a Constitutional Reform in the Commons House of Parliament will, I trust, be regulated by a due sense of the necessity of order and moderation in their proceedings.

" To the consideration of this important question the attention of Parliament must necessarily again be called at the opening of the ensuing Session ; and you may be assured of my unaltered desire to promote its settlement, by such improvements in the Representation as may be found necessary for securing to my people the full enjoyment of their rights, which, in combination with those of the other orders of the State, are essential to the support of our free Constitution."

The Lord Chancellor, by his Majesty's command, said—

"My Lords, and Gentlemen;

"It is his Majesty's royal will and pleasure, that this Parliament be prorogued to Tuesday the twenty-second day of November next, to be then here holden, and this Parliament is accordingly prorogued to Tuesday, the twenty-second day of November next."

His Majesty retired, attended by Earl Grey, the Lord Chancellor, and the other officers of State; the Commons also retired from the Bar, and the Parliament separated.

# HOUSE OF COMMONS, Thursday, October 20, 1831.

MINUTES.] Returns ordered. On the Motion of Mr. GEORGE ROBINSON, of the Duties payable on the principal articles of British Produce in the Ports of Europe and the United States.

Petitions Presented. By Mr. PROTHEROE, from the Inhabitants of Bristol, in favour of the Rev. Robert Taylor.

REFORM—PETITIONS.] Colonel Evans presented a Petition from Mr. F. Clayton, praying that the House would vote an Address to the King, requesting his Majesty to exercise his royal prerogative by creating such a number of Peers as might be thought requisite for the success of a new Reform Bill. The petitioner further prayed, that the Bishops might be disqualified from sitting as Spiritual Peers in the Upper House. The hon. and gallant Member expressed his concurrence in the sentiments avowed in the petition.

Mr. Hume took this opportunity of observing that, in his opinion, the slight distrust which, perhaps, was felt by a portion of the public towards his Majesty's Ministers was occasioned, in no small degree, by the circumstance of their retaining in office men opposed to them in politics. If his Majesty's Ministers would be guided by the opinion of so humble an individual as himself, (for he considered the present was a time for them to act with promptitude and energy) he did not hesitate to say that, if he were at the head of the Government, forty-eight hours should not pass before he would remove every Lord-lieutenant of a county who opposed the Reform Bill. He was prepared to recommend the utmost decision and energy, which he considered was necessary to break down a political party which had been in power for so many years. There must be no more attempts at conciliation. The

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tranquillity and happiness of the country depended on the speedy adjustment of the question of Reform, and Ministers, therefore, should not allow any motives of personal delicacy to interfere in the adjustment of a matter of such vital importance to the country.

Sir Charles Forbes assured the hon. member for Middlesex, though agitation and intimidation seemed to be the order of the day, that honest men would not be deterred from doing their duty, and endeavouring to get the Bill lately before Parliament considerably modified. The hon. Member had alluded to Ministers retaining in office persons opposed to them. He did not think it was very just ground of complaint that the hon. Member's advice had not been acted upon. On a late occasion, the Ministers had removed a high officer in the Queen's Household (Earl Howe); and, if all they heard was to be relied upon—he repeated, that if all they heard, and what had been stated, was to be relied upon, that removal was contrary to the declared wishes both of the King and Queen, and had excited an extraordinary degree both of astonishment and disgust wherever the circumstances were known. He trusted that his Majesty's Ministers would not act again upon a principle so disgraceful, and that they would not be led away by the advice of the hon. member for Middlesex, who, by his own confession, had advised his fellow parishioners to withhold the payment of their rates.

Colonel Trench thought the hon. member for Middlesex need have very little apprehension that his Majesty's Government would be deterred by any feelings of delicacy or propriety from adopting any proceeding calculated to promote their own measures. With respect to the Reform Bill, however, he contended that that there was a reaction in the public mind. It was manifest, by the return of his noble friend (Lord Ashley) for Dorsetshire, by a large majority of freeholders. He had reason to believe that this reaction was palpably manifesting itself throughout Ireland; and he hoped and trusted that the Bill would soon be as much in disfavour as it had ever been in favour with the country.

Sir Francis Burdett fully agreed with the hon. member for Middlesex, that, at a time like this, all ordinary considerations ought to be laid aside, and that his Majesty's Government ought not to hesitate

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in removing any persons from office who might evince a disposition to retard the success of the great measure of Reform. With respect to the sneer of the hon. and gallant Member (Colonel Trench) as to the want of propriety and delicacy on the part of his Majesty's Government, he could only say, that Ministers, in his opinion, would be only doing that which was most conducive to the weal of the realm, if they acted on all occasions precisely contrary to the advice of Gentlemen opposite. The remarks of the gallant Member, and of the hon. Baronet were so discreet and well-timed as to remind him forcibly of the proverb—"Protect me from my friends, and I will defend myself against my enemies." No Reformer could have made observations more injurious to the Anti-reform party. The hon. and gallant Member had alluded to the Dorsetshire election, for instance, and designated the majority by which the noble Lord (Ashley) was returned as a large majority. If he was well informed, if there had been another Assessor, the noble Lord would, in all probability, have had no majority; and, as it was, the majority was very small. He repeated, that his Majesty's Government should sacrifice every feeling for the promotion of the great measure of Reform; and if it was thought necessary to reassemble Parliament again very soon, he hoped the importance of the measure to be brought forward would induce the Irish Members, to whom the country owed so much for their diligent attendance during the present Session, to sacrifice their personal convenience, and appear again in their places on the first day of the ensuing Session of Parliament.

Lord Ashley said, he did not expect that it would have been necessary for him to address the House so soon after taking his seat; still less did he anticipate that he should have been called upon to defend the Assessor, at the late election for Dorsetshire. He did not think it becoming of the hon. Baronet, considering his station, and experience, and his constitutional knowledge, to get up in his place, and throw out an insinuation on the character of the Assessor at a contested election, from whose decision there could be an appeal. In effect, the hon. Baronet brought the conduct of that Gentleman before the bar of that House although he did not summon him thither personally. The hon. Baronet seemed to insinuate, that he would not

have taken his seat in that House as member for Dorsetshire, had the Assessor impartially done his duty. Such an assumption, he could assure him, was most unreasonable and unjust, as it happened to be entirely destitute of foundation in fact. He was sure, upon cooler reflection, (if the hon. Baronet would pardon a much younger man for making such an observation) the hon. Baronet himself would regret that he had indulged in such a remark. It was impossible for him not to contend that a reaction had taken place in the public mind. If there had not been such a reaction, how happened it that, though he started only on the Wednesday, and appeared at the hustings on the Friday, and though his opponent (Mr. Ponsonby) had started fourteen days before, he (Lord Ashley) polled as many voters during the first two days as Mr. Bankes had done in the preceding election in six? If there had not been a reaction, how could it have happened that he received 500 votes more than Mr. Calcraft had received at the former election? There were many freeholders, who had walked twenty miles to the hustings and twenty miles back again, to poll for him, when they heard the cause on which he had started, without the slightest hope of remuneration. The Yeomanry of the county told him they would be his agents, and, in point of fact, they had been his agents. Many of the electors stated at the hustings—"We voted for the Reform candidate on the former occasion, but we are now satisfied the Bill was a great humbug." In illustration of this, he might state, that the inhabitants of the Isle of Portland, which island contained many freeholders, who had held their freeholds for a number of years, met to the number of 100, and agreed to petition the Lords against the Bill. The petition had been forwarded to the Duke of Wellington, and it contained these remarkable words—"We were deceived into the support of the Bill, in the first instance, by the abuse of the King's name." So far was the hon. Baronet from being correct in ascribing his success to the decisions of the Assessor, that he could inform the hon. Baronet, that his majority in fact would have amounted to more than 100, had no votes on either side been referred to his adjudication. He should not have trespassed on the House with these observations but for what had fallen from the hon. Baronet,

Sir Francis Burdett, in explanation, assured the noble Lord that he had never meant to asperse the character of the Sheriff's Assessor. He had only alluded to what he had heard stated, that it was calculated, if the votes had not been delayed by the Assessor, that there would have been a majority of fifty-six for Mr. Ponsonby, instead of a majority for the noble Lord. He also begged the House to observe, that the election for Dorsetshire was a very slight symptom indeed of the real state of public opinion throughout the country.

Mr. George Bankes hoped he might be allowed to mention the fact, that the same Gentleman was the Assessor at the late election, and at the former election, when the result was so different. In the mortification of defeat, some of Mr. Bankes's friends on the former occasion, were disposed to impugn the conduct of

the Assessor; but he said then what he repeated now, that he knew the Assessor, and that a more honourable man did not exist. If the Anti-reform party had not been taunted and challenged to come forward in Dorsetshire, he did not know that the experiment would have been tried; but, now that it had been successfully tried, the newspapers, which, before the election, were echoing the cry—"No Anti-reformer dare come forward for Dorset," were completely silent.

The Usher of the Black Rod summoned the House to attend his Majesty.

The Speaker, accordingly, repaired to the other House, accompanied by all the Members present; and soon afterwards returned, as usual, with the copy of the King's Speech (for which see the Lords' report), which he read at the Table; and thereupon the right hon. Gentleman and the Members severally departed.

END OF VOL. VIII.—THIRD SERIES.

AND OF

FIFTH VOL. OF SESS. 1831.

APPENDIX



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## APPENDIX.

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### FINANCE ACCOUNTS,

*Class I to VIII,*

OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,

*For the Year ended 5th January, 1831.*

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#### CLASS.

- I. - - - PUBLIC INCOME.
- II. - - - PUBLIC EXPENDITURE.
- III. - - - CONSOLIDATED FUND.
- IV. - - - PUBLIC FUNDED DEBT.
- V. - - - UNFUNDED DEBT.
- VI. - - - DISPOSITION OF GRANTS.
- VII. - - - ARREARS AND BALANCES.
- VIII. - - - TRADE AND NAVIGATION.

An Account of the ORDINARY REVENUES and EXTRAORDINARY RESOURCES, of  
IRELAND; for the

N. D.—This Account is formed by adding the Totals of

HEADS OF REVENUE.	GROSS RECEIPT.			Repayments, Allowances, Discounts, Drawbacks, and Bounties in the Nature of Drawbacks, &c.	NETT REC within the Ye deduct REPAYMES		
Ordinary Revenues.	£.	s.	d.	£.	s.	d.	£.
CUSTOMS .....	21,084,524	19	8½	1,557,424	5	7½	19,527,100
EXCISE .....	22,354,887	16	10½	2,557,506	18	3½	19,817,381
STAMPS .....	7,555,065	7	1½	306,981	13	7½	7,248,083
TAXES, under the Management of the Commis- sioners of Taxes .....	5,301,379	7	0½	6,409	0	3	5,294,870
POST OFFICE .....	2,301,432	11	0½	89,226	5	6	2,212,206
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shil- lings in the Pound on Pensions .....	58,351	16	10½	-	-	-	58,351
Hackney Coaches, and Hawkers and Pedlars .....	67,925	19	9	-	-	-	67,925
Crown Lands .....	363,742	0	4	-	-	-	363,742
Small Branches of the King's Hereditary Revenue..	7,260	3	7	-	-	-	7,260
Surplus Fees of Regulated Public Offices .....	44,684	3	9	-	-	-	44,684
Poundage Fees, Pells' Fees, Casualties, Treasury Fees, and Hospital Fees .....	9,096	9	1½	-	-	-	9,096
TOTALS of Ordinary Revenues .....	59,142,250	14	1½	4,497,547	2	2	54,644,703
Other Resources.							
Money received from the East-India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71 .....	60,000	0	0	-	-	-	60,000
Surplus of his Majesty's Hereditary Revenue, Scot- land, per Act 4 Geo. IV. c. 41. s. 9 .....	20,000	0	0	-	-	-	20,000
Surplus of the 4½ per cent Duties .....	23,860	0	8	-	-	-	23,860
Imprest Monies, repaid by sundry Public Account- ants, and other Monies paid to the Public .....	34,094	18	2½	-	-	-	34,094
Amount of Savings on the Third Class of the Civil List .....	25,692	16	6½	-	-	-	25,692
Money brought from the Civil List, on account of the Salary of Lord Warden of the Cinque Ports...	2,973	12	6½	-	-	-	2,973
TOTALS of the Public Income of the United Kingdom .....	59,308,872	2	0½	4,497,547	2	2	54,811,324

Whitehall, Treasury      done, 24th March, 1831

Class I.—PUBLIC INCOME.

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the PUBLIC INCOME of the United Kingdom of GREAT BRITAIN AND  
5th January, 1831.

: Great Britain, to the Totals of the Account for Ireland.

INCOME, including ANCES.	Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.		PAYMENTS into the EXCHEQUER.		BALANCES and BILLS outstanding on 5th January, 1831.	TOTAL DISCHARGE of the INCOME.		Rate per cent for which the Gross Receipt was collected.
s. d.	£.	s. d.	£.	s. d.	£.	s. d.	£.	s. d.
93 11 2½	1,856,456	19 0½	17,540,822	14 10	657,913	17 4	20,054,693	11 2½
32 15 11½	1,381,503	10 10½	18,644,384	19 3	706,544	5 9½	20,732,432	15 11½
30 9 6½	190,159	7 1½	7,058,121	4 0	271,449	18 4½	7,519,730	9 6½
65 13 4	303,946	5 8½	5,013,405	3 8½	95,790	3 11	5,413,143	13 4
25 10 0½	737,914	10 9½	1,466,011	18 6	171,999	0 9	2,375,925	10 0½
63 11 9½	1,291	0 3	51,226	14 1½	3,125	17 5	55,643	11 9½
31 3 11	9,883	18 10	58,088	0 0	159	5 1	68,131	3 11
96 1 9½	391,422	12 2½	-	-	45,273	9 7½	436,696	1 9½
99 17 3½	3,093	17 0	4,653	11 2	252	9 1½	7,999	17 3½
84 3 9	-	-	44,684	3 9	-	-	44,684	3 9
96 9 1½	-	-	9,096	9 1½	-	-	9,096	9 1½
77 7 9½	4,875,674	1 9½	49,889,994	18 5½	1,952,508	7 5½	56,718,177	7 9½
00 0 0	-	-	60,000	0 0	-	-	60,000	0 0
00 0 0	-	-	20,000	0 0	-	-	20,000	0 0
00 0 8	-	-	23,860	0 8	-	-	23,860	0 8
94 18 2½	-	-	34,094	18 2½	-	-	34,094	18 2½
92 16 6½	-	-	25,692	16 6½	-	-	25,692	16 6½
73 12 6½	-	-	2,973	12 6½	-	-	2,973	12 6½
98 15 7½	4,875,674	1 9½	50,056,616	6 4½	1,952,508	7 5½	56,884,798	15 7½

SPRING RICE.

(a 2)

An Account of the ORDINARY REVENUES and EXTRAORDINARY  
the Year

HEADS OF REVENUE.	GROSS RECEIPT.	Repayments, Allowances, Discounts, Drawbacks, and Bounties of the Nature of Drawbacks.	NETT REC within the Ye deduct REPAYMEN
<b>Ordinary Revenues.</b>	<b>£. s. d.</b>	<b>£. s. d.</b>	<b>£.</b>
CUSTOMS .....	19,505,341 15 10½	1,533,841 13 2½	17,971,500
EXCISE .....	20,381,020 19 0½	2,520,084 12 6½	17,860,936
STAMPS .....	7,066,769 4 4½	297,324 2 6½	6,769,445
TAXES, under the Management of the Commis- sioners of Taxes .....	5,301,279 7 0½	6,409 0 2	5,294,870
POST OFFICE .....	2,053,720 11 2½	71,509 2 1½	1,982,211
One Shilling in the Pound, and Sixpence in the Pound on Pensions and Salaries, and Four Shil- lings in the Pound on Pensions .....	52,351 16 10½	- - -	52,351
Hackney Coaches, and Hawkers and Pedlars .....	67,925 19 9	- - -	67,925
Crown Lands .....	363,742 0 4	- - -	363,742
Small Branches of the King's Hereditary Revenue..	7,260 2 7	- - -	7,260
Surplus Fees of Regulated Public Offices .....	44,684 3 9	- - -	44,684
<b>TOTALS of Ordinary Revenues .....</b>	<b>54,844,096 0 10½</b>	<b>4,429,168 10 7½</b>	<b>50,414,927</b>
<b>Extraordinary Resources.</b>			
Money received from the East India Company on account of Retired Pay, Pensions, &c. of his Ma- jesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71 .....	60,000 0 0	- - -	60,000
Surplus of his Majesty's Hereditary Revenue, Scot- land, per Act 4 Geo. 4, c. 41, s. 9 .....	20,000 0 0	- - -	20,000
Surplus of the 4½ per cent Duties .....	23,860 0 8	- - -	23,860
Imprest Monies repaid by sundry Public Account- ants, and other Monies paid to the Public .....	18,639 14 1½	- - -	18,639
Amount of Savings on the Third Class of the Civil List .....	25,692 16 6½	- - -	25,692
Money brought from the Civil List, on account of the Salary of the Lord Warden of the Cinque Ports .....	2,973 12 6½	- - -	2,973
<b>TOTALS of the Public Income of Great Britain .....</b>	<b>54,995,262 4 8</b>	<b>4,429,168 10 7½</b>	<b>50,566,093</b>

Whitehall, Treasury Chambers, 24th March, 1831

**Class I.—PUBLIC INCOME.**

[7

**EXPENDITURE** constituting the PUBLIC INCOME of GREAT BRITAIN, for  
January, 1831.

TOTAL INCOME, including BALANCES.	Charges of Collection and other Payments out of the Income, in its Progress to the Exchequer.	PAYMENTS into the EXCHEQUER.	BALANCES and BILLS outstanding on 5th January, 1831.	TOTAL BALANCE of the INCOME.	Rate per cent. for which the Gross Receipt was collected.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1,545,320 9 1½	1,545,320 9 1½	16,343,563 2 7	567,467 13 2½	18,456,350 4 10½	5 5 0½
1,151,410 10 10½	1,151,410 10 10½	16,895,775 5 1½	680,009 7 3	18,727,195 3 3½	4 18 9½
162,345 14 1½	162,345 14 1½	6,605,291 7 9	255,638 10 11½	7,023,275 12 9½	2 5 11½
303,948 5 8½	303,948 5 8½	5,013,405 3 8½	95,790 3 11	5,413,143 13 4	5 6 4½
613,904 6 0	613,904 6 0	1,358,011 18 6	119,664 3 3½	2,091,580 7 9½	28 18 9½
55,643 11 9½	1,291 0 3	51,226 14 1½	3,125 17 5	55,643 11 9½	2 9 3½
68,131 3 11	9,883 18 10	58,088 0 0	159 5 1	68,131 3 11	14 11 0
436,696 1 9½	391,422 12 2½	- - -	45,273 9 7½	436,696 1 9½	7 13 9½
7,999 17 3½	3,093 17 0	4,653 11 2	252 9 1½	7,999 17 3½	15 1 1½
44,684 3 9	- - -	44,684 3 9	- - -	44,684 3 9	-
1,324,600 0 8½	4,182,520 14 0½	46,374,698 6 8½	1,767,380 19 10½	52,324,600 0 8½	5 13 5
60,000 0 0	- - -	60,000 0 0	- - -	60,000 0 0	-
20,000 0 0	- - -	20,000 0 0	- - -	20,000 0 0	-
23,860 0 8	- - -	23,860 0 8	- - -	23,860 0 8	-
18,639 14 1½	- - -	18,639 14 1½	- - -	18,639 14 1½	-
25,692 16 6½	- - -	25,692 16 6½	- - -	25,692 16 6½	-
2,973 12 6½	- - -	2,973 12 6½	- - -	2,973 12 6½	-
2,475,766 4 6	4,182,520 14 0½	46,525,864 10 6½	1,767,380 19 10½	52,475,766 4 6	-

**T. SPRING RICE.**

An Account of the ORDINARY REVENUES and EXTRAORDINARY  
for the Year ended

HEADS OF REVENUE.	GROSS RECEIPT.	Repayments, Drawbacks, Discounts, &c.	NETT RECEIPT within the Year, after deducting REPAYMENTS, &c.
<b>Ordinary Revenues.</b>	<b>£. s. d.</b>	<b>£. s. d.</b>	<b>£. s. d.</b>
CUSTOMS .....	1,579,183 3 9½	23,582 12 5	1,555,600 11 4½
EXCISE .....	1,973,866 17 9½	17,421 5 8½	1,956,445 12 1
STAMPS .....	488,296 2 8½	9,637 10 0½	478,658 12 8
POST OFFICE .....	247,711 19 10	17,717 3 4½	229,994 16 5½
Poundage Fees, Pells Fees, Casualties, Treasury Fees, and Hospital Fees .....	9,096 9 1½	- - -	9,096 9 1½
<b>TOTALS of Ordinary Revenues .....</b>	<b>4,298,154 13 3½</b>	<b>68,378 11 6½</b>	<b>4,229,776 1 8½</b>
 <b>Other Resource.</b>			
Imprest Monies repaid by sundry Public Account- ants, and other Monies paid to the Public .....	15,455 4 1	- - -	5,455 4 1
<b>TOTALS of the Public Income of Ireland ..</b>	<b>4,313,609 17 4½</b>	<b>68,378 11 6½</b>	<b>4,245,231 5 9½</b>

Whitehall, Treasury Chambers, 24th March, 1831.

Resources, constituting the PUBLIC INCOME of IRELAND,  
in January, 1831.

TOTAL INCOME including BALANCES.			Charges of Collection, and other Payments out of the Income, in its Progress to the Exchequer.			PAYMENTS into the EXCHEQUER.			BALANCES and BILLS outstanding on 31st January, 1831.			TOTAL DISCHARGE of the INCOME.			Rate per cent for which the Gross Receipt was collected.		
£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1,598,443	6	3½	311,236	9	11½	1,126,760	12	3	90,446	4	1½	1,598,443	6	3½	17	2	11½
2,005,237	12	8½	230,093	0	0½	1,748,609	14	1½	26,534	18	6½	2,005,237	12	8½	10	7	10½
496,454	16	8½	27,813	13	0½	452,829	16	3	15,811	7	5½	496,454	16	8½	5	13	11
284,345	2	2½	124,010	4	9½	108,000	0	0	52,334	17	5½	284,345	2	2½	40	6	7½
9,096	9	1½	-	-	-	9,096	9	1½	-	-	-	9,096	9	1½	-	-	-
1,393,577	7	0½	693,153	7	9½	3,515,296	11	8½	185,127	7	7	4,393,577	7	0½	14	0	11
15,455	4	1	-	-	-	15,455	4	1	-	-	-	15,455	4	1	-	-	-
4,409,032	11	1½	693,153	7	9½	3,530,751	15	9½	185,127	7	7	4,409,032	11	1½	-	-	-

T. SPRING RICE.



AN ACCOUNT of the TOTAL INCOME of the REVENUE of GREAT BRITAIN and  
Allowances, Discounts, Drawbacks, and Bounties of the nature of Drawbacks;  
Kingdom, exclusive of the Sums applied to the Re-

HEADS OF REVENUE.	NETT RECEIPT as stated in Account of Public Income.					
	£.	s.	d.	£.	s.	d.
<b>Ordinary Revenues.</b>						
Balances and Bills outstanding on 5th January 1830 .....	-	-	-	2,073,473	15	9½
Customs .....	19,527,100	14	1			
Excise .....	19,817,381	18	7			
Stamps .....	7,248,083	14	6			
Taxes .....	5,294,870	6	10½			
Post Office .....	2,212,206	5	6½			
One Shilling and Sixpenny Duty on Pensions and Salaries, and Four Shillings in the Pound on Pensions .....	52,351	16	10½			
Hackney Coaches, and Hawkers and Pedlars .....	67,925	19	9			
Crown Lands .....	363,742	0	4			
Small Branches of the King's Hereditary Revenue .....	7,260	2	7			
Surplus Fees of Regulated Public Offices .....	44,684	3	9			
Poundage Fees, Pells' Fees, Casualties, Treasury Fees, and Hospi- tal Fees .....	9,096	9	1½	54,644,703	11	11½
<i>Mem.</i> —In the above Receipts are included the following Sums, paid into the Exchequer, since the 26th June, as the Hereditary Re- venue of the Crown; viz.				Deduct Balances and Bills outstand- ing on 5th January 1831 .....	56,718,177	7 9½
	£.	s.	d.		1,952,508	7 5½
Customs .....	70,265	5	6	TOTAL Ordinary Revenues ..	54,765,669	0 3½
Excise .....	60,602	7	7½			
Post Office .....	106,011	18	6			
	236,879	11	7½			
which Sum is appropriated on the other side of the Account, to Civil List Charges.						
<b>Other Resources.</b>						
	£.	s.	d.			
Money received from the East India Company, on account of Retired Pay, Pensions, &c. of his Majesty's Forces serving in the East Indies, per Act 4 Geo. 4, c. 71 .....	60,000	0	0			
Surplus of his Majesty's Hereditary Revenue, Scotland, per Act 4 Geo. 4, c. 41, s. 9 .....	20,000	0	0			
Surplus of the 4½ per cent Duties .....	23,860	0	8			
Imprest Monies repaid by sundry Public Accountants, and other Monies paid to the Public .....	34,094	18	2½			
Amount of Savings on the 3rd Class of the Civil List .....	25,692	16	6½			
Money brought from the Civil List, on account of the Salary of the Lord Warden of the Cinque Ports .....	2,973	12	6½	166,621	7	10½
				54,932,290	8	2½
Balances in the hands of Receivers, &c. on 5th January 1830 .....				2,073,473	15	9½
Ditto on 5th January 1831 .....				1,952,508	7	5½
Balances less in 1831 than in 1830 .....				120,965	8	3½
Surplus Income paid into the Exchequer over Expenditure issued thereout .....				2,913,673	2	4½
Actual Excess of Income over Expenditure .....				2,792,707	14	0½

Whitehall, Treasury Chambers, 24th March, 1831.

# Class II.—INCOME AND EXPENDITURE.

[ix

IRELAND, in the Year ended 5th January 1831, after deducting the Repayments, together with an Account of the PUBLIC EXPENDITURE of the United duction of the National Debt within the same Period.

EXPENDITURE.		—	—
PAYMENTS OUT OF THE INCOME in its progress to the Exchequer :		£. s. d.	£. s. d.
Charges of Collection.....		3,713,944 0 3½	
Other Payments .....		1,161,730 1 6½	
TOTAL Payments out of the Income, prior to the Payments into the Exchequer..			4,875,674 1 9½
FUNDED DEBT :			
Interest and Management of the Permanent Debt .....		25,466,557 7 11½	
Terminable Annuities.....		2,859,269 14 9	
Total Charge of the Funded Debt, exclusive of £5,307 2s. 11d. the Interest on Dona- tions and Bequests .....		28,325,827 2 8½	
UNFUNDED DEBT :			
Interest on Exchequer Bills .....		793,031 1 8	
			29,118,858 4 4½
		£. s. d.	
Civil List, to 26th June, 1830, charged on the Consolidated Fund.....	502,365 7 8½		
Civil List Charges, paid out of the Grant of £300,000, for defraying the Charge up to 5th January 1831 .....	160,415 3 11½		
Civil List, chargeable on the Hereditary Re- venue of the Crown .....	236,879 11 7½		
		899,660 3 3½	
PAYABLE IN			
	ENGLAND.	IRELAND.	
	£. s. d.	£. s. d.	
Pensions on the Consoli- dated Fund .....	370,018 2 3½	95,267 19 7	465,286 1 10½
Salaries and Allowances, do. ....	66,680 10 11	24,253 13 3½	90,934 4 2½
Courts of Justice, do. ....	145,724 0 7½	133,507 4 10½	279,231 5 6
Miscellaneous Charges, do. ....	225,942 12 8	53,282 3 5	279,224 16 1
Mint Establishment, do. ....			14,606 0 0
Bounties granted for the establishment of Hemp and Flax in Scot- land, per 27 Geo. III. c. 13, s. 65 .....			2,956 13 8
			2,031,899 4 8
Army .....		6,991,163 7 4½	
Navy .....		5,309,605 17 5	
Ordnance .....		1,613,908 0 0	
Miscellaneous, chargeable upon annual Grants of Parliament ....		1,950,108 13 4	
			15,864,785 18 1½
Money paid to the Bank of England, to supply deficiencies in the Balance received for Unclaimed Dividends, per Act 56 Geo. 3, c. 97 .....			127,999 16 10
			52,018,617 5 9½
Surplus of Income paid into Exchequer, over Expenditure issued thereout ..			2,913,673 2 4½
			54,932,290 8 3½

T. SPRING RICE,

x]

## FINANCE ACCOUNTS: 1830.

An Account of the Nett PUBLIC INCOME of the United Kingdom of GREAT  
EXPENDITURE thereout, defrayed by the several Revenue Departments,  
Sums applied to the Redemption of Funded, or for paying off Un-

INCOME.	Applicable to the Consolidated Fund.			Applicable to other Public Services.			Income paid into the Exchequer.		
ORDINARY REVENUES AND RECEIPTS.	£.	s.	d.	£.	s.	d.	£.	s.	d.
Customs .....	14,619,233	14	3½	2,921,089	0	6½	17,540,322	14	10
Excise .....	18,644,384	19	3	-	-	-	18,644,384	19	3
Stamps .....	7,058,121	4	0	-	-	-	7,058,121	4	0
Taxes .....	5,013,405	3	8½	-	-	-	5,013,405	3	8½
Post Office .....	1,466,011	18	6	-	-	-	1,466,011	18	6
One Shilling and Sixpence, and Four Shillings on Pensions and Salaries .....	51,226	14	1½	-	-	-	51,226	14	1½
Hackney Coaches, and Hawkers and Pedlars .....	58,088	0	0	-	-	-	58,088	0	0
Small Branches of the King's Hereditary Revenue .....	4,653	11	2	-	-	-	4,653	11	2
Surplus Fees of regulated Public Offices .....	44,684	3	9	-	-	-	44,684	3	9
Poundage Fees, Polls Fees, &c. in Ireland ...	9,096	9	1½	-	-	-	9,096	9	1½
<b>TOTAL Ordinary Revenue.....</b>	<b>46,968,905</b>	<b>17</b>	<b>11</b>	<b>2,921,089</b>	<b>0</b>	<b>6½</b>	<b>49,889,994</b>	<b>18</b>	<b>5½</b>
<b>OTHER RECEIPTS.</b>									
Imprest and other Monies .....	97,265	0	7	9,356	7	3½	106,621	7	10½
Money received from the East India Company.	-	-	-	60,000	0	0	60,000	0	0
<i>Mem.—In the above Receipts are included the following Sums, paid into the Exchequer since the 26th June, as the Hereditary Revenues of the Crown; viz.</i>									
	£.	s.	d.						
Customs .....	70,265	5	6						
Excise .....	60,602	7	7½						
Post Office .....	106,011	18	6						
	<u>236,879</u>	<u>11</u>	<u>7½</u>						
which Sum is appropriated on the other side of the Account to Civil List Charges.									
	<b>47,066,170</b>	<b>18</b>	<b>6</b>	<b>2,990,445</b>	<b>7</b>	<b>10½</b>	<b>50,056,616</b>	<b>6</b>	<b>4½</b>

Whitehall, Treasury Chambers, }  
28th February, 1831.

T. SPRING RICE.

**Class II.—INCOME AND EXPENDITURE.**

[xi]

AIN and IRELAND, in the Year ended 5th January, 1831, after abating the f the Actual Issues or Payments within the same Period, exclusive of the d Debt, and of the Advances and Repayments for Local Works, &c.

EXPENDITURE.			Nett Expenditure.		
FUNDED DEBT:			£.	s.	d.
Interest and Management of the Permanent Debt.....	25,466,557	7 11½			
Redeemable Annuities.....	2,859,269	14 9			
1 Charge of the Funded Debt, exclusive of 5,307l. 2s. 11d.					
2 Interest on Donations and Bequests .....	28,325,827	2 8½			
UNFUNDED DEBT:			£.	s.	d.
Interest on Exchequer Bills .....	793,031	1 8			
Interest due to 26th June 1830, charged on the Consolidated Fund .....	502,365	7 8½			
List Charges paid out of the Grant of 100,000, for defraying the Charge up to January 1831 .....	160,415	3 11½			
Interest chargeable on the Hereditary Revenue of the Crown .....	236,879	11 7½			
	899,660	3 3½			
PAYABLE IN			£.	s.	d.
	ENGLAND.	IRELAND.			
	£. s. d.	£. s. d.			
Salaries .....	370,018 2 3½	95,267 19 7	465,286	1 10½	
Pensions and Allowances .....	66,680 10 11	24,253 13 3½	90,934	4 2½	
Expenses of Justice .....	145,724 0 7½	133,507 4 10½	279,231	5 6	
Lawson's Charges on the Consolidated Fund .....	225,942 12 8	53,282 3 5	279,224	16 1	
Establishment .....			14,606	0 0	
Grants for the encouragement of Hemp and Flax in Scotland, per Act 27 Geo. 3, c. 13, s. 65.....			2,956	13 8	
			2,031,899	4 8	
			6,991,163	7 4½	
			5,309,605	17 5	
			1,613,908	0 0	
Lawson's, chargeable upon Annual Grants of Parliament .....			1,950,108	13 4	
			15,864,785	18 1½	
Money paid to the Bank of England to supply Deficiencies in the Balance reserved for unclaimed Dividends, per Act 56 Geo. 3, c. 97 .....			127,399	16 10	
			47,142,943	3 11½	
			2,913,673	2 4½	
Surplus of Income or Revenue over Expenditure .....			50,056,616	6 4½	

An Account of the BALANCES of PUBLIC MONEY remaining in the EXCHEQUER or UNFUNDED DEBT, in the Year ended 5th January, 1831; the Money ap-  
the Total Amount of Advances and Repayments on account  
and the Balances in the Ex-

	£.	s.	d.
Balances in the Exchequer on 5th January 1830 .....	4,849,517	1	4½
<b>MONEY RAISED</b>			
In the Year ended 5th January 1831, by the creation of Unfunded Debt:			
	£.	s.	d.
Exchequer Bills per Act 10 Geo. 4, c. 60 .....	1,846,500	0	0
Ditto - - - 11 - - - 3 .....	12,000,000	0	0
Ditto - - - - - 2 .....	1,477,000	0	0
Ditto - - - 1 Will. 4, c. 63 .....	11,654,300	0	0
Sugar Bills .....	2,319,000	0	0
Church Bills .....	34,900	0	0
Poor Bills .....	3,900	0	0
			29,335,600 0 0
To pay off 4 per cent Dissentients, per Act 11 Geo. 4. ....	-	-	2,610,000 0 0
The Total Amount of Repayments for the Employment of the Poor, and for Local Works, within the Year .....	514,717	5	6½
The Total Amount of Advances for ditto - - ditto .....	497,602	2	3½
Excess of Repayments over Advances .....		17,115	3 3½
			36,812,238 4 8
Surplus of Income over Expenditure .....	2,913,673	2	4½
			39,725,905 7 0½

Whitehall, Treasury Chambers, 28th February, 1831.



## FINANCE ACCOUNTS: 1830.

An Account of the Income of the CONSOLIDATED FUND arising in the United  
on account of the CONSOLIDATED

	£.	s.	d.
The Total Income applicable to the Consolidated Fund .....	47,066,170	18	6
Deduct the Sum set apart as the Hereditary Revenue of the Crown.....	236,879	11	7½
	46,829,291	6	10½
Add the Sum repaid to the Consolidated Fund on account of Advances for Public Works, &c. ....	991,496	1	7½
	47,820,787	8	6½

An Account of the MONEY applicable to the Payment of the CONSOLIDATED  
several CHARGES which have become due thereon, in the same year,  
Fund, at the commencement and

	£.	s.	d.
Income arising in Great Britain .....	43,370,125	11	¾
Income arising in Ireland .....	3,750,661	16	9½
Add the Sum paid out of the Consolidated Fund in Ireland, towards the Supplies, in the Quarter ended 5th January 1830 .....	156,886	18	0½
	3,907,548	14	10
Deduct the Sum paid out of the Consoli- dated Fund in Ireland, towards the Supplies, in the Quarter ended 5th day of January 1831 .....	257,755	5	11½
	3,649,793	8	10½
Total Sum applicable to the Charge of the Consolidated Fund, in the Year ended 5th day of January 1831 .....	47,019,919	7	0½
Exchequer Bills to be issued to complete the Payment of the Charge, to 5th day of January 1831 .....	4,327,966	16	0
	51,347,885	16	7½

Whitehall, Treasury Chambers, 28th February, 1831.

**Class III.—CONSOLIDATED FUND.**

[xv]

Kingdom, in the Year ended 5th January, 1831; and also of the Actual Payments FUND within the same period.

HEADS OF PAYMENT.		£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 10th October, 1830 .....		30,261,292	8	11
Interest on Exchequer Bills issued upon the credit of the Consolidated Fund .....		66,565	8	9
Civil List, from 5th January to 26th June 1830 .....		502,365	7	8½
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 10th October, 1830 .....		465,286	1	10½
Salaries and Allowances - - - - - do. - - - - -		90,934	4	2½
Officers of Courts of Justice - - - - - do. - - - - -		279,231	5	6
Expenses of the Mint - - - - - do. - - - - -		14,606	0	0
Bounties - - - - - do. - - - - -		2,956	13	8
Miscellaneous - - - - - do. - - - - -		279,224	16	1
Advances out of the Consolidated Fund in England, for Public Works .....		98,000	0	0
Do. - - - Ireland - - - - - do. - - - - -		395,702	2	3½
		32,456,164	9	0½
SURPLUS of the CONSOLIDATED FUND .....		14,664,622	19	6
		47,120,787	8	6½

FUND of the United Kingdom, in the Year ended 5th January, 1831, and of the including the Amount of EXCHEQUER BILLS charged upon the said at the termination of the Year.

HEADS OF CHARGE.		£.	s.	d.
Dividends, Interest, Sinking Fund, and Management of the Public Funded Debt, 4 Quarters to 5th January, 1831 .....		30,152,547	5	4½
Interest on Exchequer Bills issued upon the credit of the Consolidated Fund .....		63,300	16	5
Civil List, from 5th January to 26th June, 1830 .....		502,365	7	8½
Pensions charged by Act of Parliament upon the Consolidated Fund, 4 Quarters to 5th January, 1831 .....		450,341	2	3½
Salaries and Allowances - - - - - do. - - - - -		94,043	2	5½
Officers of Courts of Justice - - - - - do. - - - - -		286,958	10	3½
Expenses of the Mint - - - - - do. - - - - -		15,307	17	6
Bounties - - - - - do. - - - - -		2,956	13	8
Miscellaneous - - - - - do. - - - - -		269,691	16	6
Advances out of the Consolidated Fund in England, for Public Works .....		93,000	0	0
Do. - - - Ireland - - - - - do. - - - - -		395,702	2	3½
		32,396,214	14	6½
Exchequer Bills issued to make good the charge of the Consolidated Fund, to 5th January, 1830 .....		5,844,329	5	0½
		38,170,543	19	6½
SURPLUS of the CONSOLIDATED FUND .....		13,177,341	17	0½
		51,347,885	16	7½



## An Account of the State of the PUBLIC FUNDED DEBT of GREAT BRITAIN.

DEBT.									
	1. CAPITALS.			2. CAPITALS transferred to the Commissioners.			3. CAPITALS UNREDEEMED.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
GREAT BRITAIN.									
Debt due to the South Sea Company - - - } at £3. percent	3,662,784	8	6½	-	-	-	3,662,784	8	6½
Old South Sea Annuities - do. ....	3,501,870	2	7	-	-	-	3,501,870	2	7
New South Sea Annuities - do. ....	2,489,830	2	10	-	-	-	2,489,830	2	10
South Sea Annuities, 1751 - do. ....	527,100	0	0	-	-	-	527,100	0	0
Debt due to the Bank of England do. ....	14,686,800	0	0	-	-	-	14,686,800	0	0
Bank Annuities, created in 1726 do. ....	876,494	0	0	444	1	0	876,049	19	0
Consolidated Annuities - - do. ....	349,483,757	13	8½	655,096	18	2	348,828,660	15	6½
Reduced Annuities - - - do. ....	124,491,472	2	7	719,581	3	5	123,771,880	19	2
TOTAL at £3 per cent .....	499,720,108	10	2½	1,375,122	2	7	498,344,986	7	7½
Annuities - - at 3½ per cent, 1818...	12,804,559	2	2	-	-	-	12,804,559	2	2
Reduced Annuities at - - do. ....	64,259,806	0	1	9,424	18	2	64,250,381	1	11
New 3½ per cent Annuities.....	138,690,227	1	0	9,259	15	9	138,680,967	5	3
Annuities created 1826, at 4 per cent ...	10,806,966	0	0	-	-	-	10,806,966	0	0
New 5 per cent Annuities .....	467,712	19	11½	-	-	-	467,712	19	11½
Great Britain .....	726,749,379	13	5½	1,393,806	16	6	725,355,572	16	11½
In IRELAND.									
Irish Consolidated £3 per cent Annuities	2,455,317	13	6	-	-	-	2,455,317	13	6
Irish Reduced £3 per cent Annuities ...	150,228	17	10	-	-	-	150,228	17	10
£3½ per cent Debentures and Stock ...	14,173,495	7	1	-	-	-	14,173,495	7	1
Reduced £3½ per cent Annuities.....	1,289,703	17	10	-	-	-	1,289,703	17	10
New 3½ per cent Annuities.....	11,425,247	18	8	-	-	-	11,425,247	18	8
Debt due to the Bank of Ireland at £4 } per cent .....	1,615,384	12	4	-	-	-	1,615,384	12	4
New £5 per cent Annuities.....	6,661	1	0	-	-	-	6,661	1	0
Debt due to the Bank of Ireland at £5 } per cent .....	1,015,384	12	4	-	-	-	1,015,384	12	4
Ireland .....	32,131,424	0	7	-	-	-	32,131,424	0	7
TOTAL United Kingdom ...	758,880,803	14	0½	1,393,806	16	6	757,486,996	17	6½

The Act 10 Geo. IV. c. 27, which came into operation at the 5th July 1829, enacts, That the Sum theretoforth annually applicable to the Reduction of the National Debt of the United Kingdom, shall be the Sum which shall appear to be the amount of the whole actual annual surplus Revenue, beyond the Expenditure of the said United Kingdom; And the following Sums have been accordingly issued to the Commissioners to be applied to the reduction of the said Debt, including Interest receivable on account of Donations and Bequests:—

	£.	s.	d.	
At 6th April 1830.....	428,187	1	6	..... includes 300l. received from A. H. C.
6th July 1830 .....	352,057	12	6	
11th October 1830 .....	584,383	11	6	
5th January 1831 .....	747,631	2	9	..... 29l. 14s. 1d. further Legacy from the Executors received of the late Admiral Peter Rainer.
	<u>2,112,259</u>	<u>8</u>	<u>3</u>	

Class IV.—PUBLIC FUNDED DEBT.

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W and IRELAND, and the CHARGE thereupon, at the 5th January, 1831.

CHARGE.						
		IN GREAT BRITAIN.		IN IRELAND.		TOTAL ANNUAL CHARGE.
		£.	s. d.	£.	s. d.	£. s. d.
to the Public Editor.	Annual Interest on Unredeemed Capital .....	22,956,770	13 4½	1,134,979	14 5½	
	Long Annuities, expire 1860 ...	1,193,089	9 7	—	—	
	Annuities per 4 Geo. IV. c. 22, do. 1867.....	585,740	0 0	—	—	
	Annuities per 10 Geo. IV. c. 24, expire at various periods .....	775,914	5 0	—	—	
	Annuities to the Trustees of the Waterloo Subscription Fund per 39 Geo. III. c. 34, expire 5th July, 1831 .....	7,300	0 0	—	—	
	Life Annuities per 48 Geo. III. c. 142, and 10 Geo. IV. c. 24.	669,361	9 0	—	—	
	Life Annuities } English .....	23,455	8 2½	—	—	
	payable at the Exchequer. } Irish .....	35,476	18 7	7,038	0 9	
		26,247,108	3 9½	1,142,017	15 2½	
	Annual Interest on Stock transferred to the Commissioners for the Reduction of the National Debt, towards the Redemption of Land Tax under Schedules C. D. 1 & 2, 53 Geo. 3, c. 123 .....	10,449	12 6½	—	—	
TOTAL ANNUAL CHARGE... ..		26,532,736	19 7½	1,142,017	15 2½	27,674,754 14 10

ABSTRACT.

(\*.\* Shillings and Pence omitted.)

	CAPITALS.	CAPITALS transferred to the Commissioners.	CAPITALS unredeemed.	ANNUAL CHARGE.		
				Due to the Public Creditor.	MANAGEMENT.	TOTAL.
	£.	£.	£.	£.	£.	£.
Great Britain.....	726,749,379	1,393,806	725,355,572	26,257,557	275,179	26,532,736
Ireland .....	32,131,424	—	32,131,424	1,142,017	—	1,142,017
	758,880,803	* 1,393,806	757,486,996	27,399,575	275,179	27,674,754

£.	s. d.	DEFERRED ANNUITIES OUTSTANDING:		£.	s. d.
On account of Donations and Bequests .....	181,366 0 0	Deferred Life Annuities, per 10 Geo. 4, c. 84.....	1,788	12 0	
Do. of Stock unclaimed 10 years or upwards .....	224,719 14 8	Deferred Annuities for terms of years, per do. ....	20	0 0	
Do. of Unclaimed Dividends..	639,400 0 0	Payable to the Trustees of the Waterloo Fund, per 59 Geo. 3, c. 34 .....	In 1832 .....	6,200	0 0
	1,045,485 14 8		— 1833 .....	7,000	0 0
Do. of Land Tax, Schedules C. D 1; and D 2 .....	348,321 1 10		— 1834 .....	6,300	0 0
	1,393,806 16 6		— 1835 .....	4,000	0 0
			— 1836 .....	9,000	0 0
			— 1837 .....	2,000	0 0
				38,108	12 0

## CLASS V.—UNFUNDED DEBT.

An Account of the UNFUNDED DEBT of GREAT BRITAIN and IRELAND,  
and of the Demands outstanding on 5th January, 1831.

	PROVIDED.	UNPROVIDED.	TOTAL.
	£. s. d.	£. s. d.	£. s.
Exchequer Bills, (exclusive of £ 45,350 and £ 1,662,000 issued for paying off £ 4 per cents) .....	- - -	25,616,400 0 0	25,616,400 0
The amount of Exchequer Bills outstanding, issued in pursuance of Act 11 Geo. 4, c. 26, for paying off Proprietors of £ 4 per cent Annuities, on 5th January, 1831, was .....	- - -	1,662,000 0 0	1,662,000 0
		27,278,400 0 0	27,278,400 0
Sums remaining unpaid, charged upon aids granted by Parliament .....	4,543,328 0 6	- - -	4,543,328 0
Advances made out of the Consolidated Fund in Ireland, towards the Supplies which are to be repaid to the Consolidated Fund, out of the Ways and Means in Great Britain...	257,755 5 11½	- - -	257,755 5
TOTAL Unfunded Debt, and Demands outstanding .....	4,801,083 6 5½	27,278,400 0 0	32,079,483 6
Ways and Means .....	4,894,643 3 6½	—	—
SURPLUS Ways and Means .....	93,561 17 0½	—	—
Exchequer Bills to be issued to complete the Charge upon the Consolidated Fund .....	- - -	4,327,966 16 0	4,327,966 16

Whitehall, Treasury Chambers, }  
28th February, 1831. }

T. SPRING RICE.

## CLASS VI.—DISPOSITION OF GRANTS.

**An Account** showing how the MONIES given for the SERVICE of the United Kingdom of GREAT BRITAIN and IRELAND, for the Year 1830, have been disposed of; distinguished under their several Heads; to 5th January, 1831.

SERVICES.	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
<b>NAVY</b> .....	5,594,955	5	8	4,970,096	9	1
<b>ORDNANCE</b> .....	1,689,444	0	0	1,105,000	0	0
<b>FORCES</b> .....	7,403,651	2	4½	5,893,284	1	6
<b>For defraying the Charge of the Royal Military College; for the year 1830</b> .....	7,656	19	6	7,656	19	6
<b>For defraying the Charge of the Royal Military Asylum; for the year 1830</b> .....	20,986	13	3	8,166	7	9
<b>For defraying the Charge of the Civil Contingencies; for the year 1830</b> .....	160,000	0	0	96,664	17	1
<b>To defray the Expense of Works executing at the Royal Harbour of George the Fourth at Kingstown; for the year 1830</b> .....	20,000	0	0	—		
<b>To defray the Salaries and Allowances to the Officers of the Houses of Lords and Commons; for the year 1830</b> .....	30,500	0	0	26,500	0	0
<b>To defray the Expenses of the Houses of Lords and Commons; for the year 1830</b> .....	17,000	0	0	17,000	0	0
<b>To make good the Deficiency of the Fee Fund, in the Department of his Majesty's Treasury; for the year 1830</b> .....	24,000	0	0	11,000	0	0
Ditto -- Home Secretary of State; for the year 1830 .....	12,010	0	0	12,010	0	0
Ditto -- Foreign -- ditto; for the year 1830 .....	17,000	0	0	17,000	0	0
Ditto -- Secretary of State for the Colonies; for the year 1830 .....	17,500	0	0	17,000	0	0
Ditto -- most Honourable Privy Council, and Committee of Privy Council for Trade; for the year 1830 .....	16,858	0	0	16,858	0	0
<b>To defray the Contingent Expenses and Messengers' Bills in the Department of his Majesty's Treasury; for the year 1830</b> .....	8,000	0	0	8,000	0	0
Ditto -- Home Secretary of State; for the year 1830 .....	8,045	0	0	5,700	0	0
Ditto -- Foreign -- ditto; for the year 1830 .....	34,750	0	0	34,750	0	0
Ditto -- Secretary of State for the Colonies; for the year 1830 .....	10,500	0	0	7,000	0	0
Ditto -- most Honourable Privy Council and Committee of Privy Council for Trade; for the year 1830 .....	3,745	0	0	3,335	17	1
<b>To defray the Salaries to certain Officers, and the Expenses of the Court and Receipt of Exchequer; for the year 1830</b> .....	5,000	0	0	5,000	0	0
<b>To pay the Salaries or Allowances granted to certain Professors in the Universities of Oxford and Cambridge, for reading Courses of Lectures; for the year 1830</b> .....	958	5	0	958	5	0
<b>To pay the Salaries of the Commissioners of the Insolvent Debtors Court, of their Clerks, and the Contingent Expenses of their Office, and also the Expenses attendant upon their Circuits; for the year 1830</b> .....	13,778	2	0	6,310	0	0
<b>To pay in the year 1830, the Salaries of the Officers, and the Contingent Expenses of the Office for the Superintendence of Aliens, and also the Superannuation or retired Allowances to Officers formerly employed in that Service</b> .....	4,034	0	0	4,034	0	0
<b>To pay the usual Allowances to Protestant Dissenting Ministers in England, poor French Protestant Refugee Clergy, poor French Refugee Laity, and sundry small Charitable and other Allowances to the Poor of St. Martin-in-the-Fields, and others; for the year 1830</b> .....	5,712	7	10	2,956	3	11
<b>To defray the Expense of Printing Acts, and Bills, Reports and other Papers for the two Houses of Parliament; for the year 1830</b> .....	76,000	0	0	50,350	13	10

SERVICES— <i>continued.</i>	SUMS Voted or Granted.			SUMS Paid.	
	£.	s.	d.	£.	s.
To defray the Expense of Printing, under the direction of the Commissioners of Public Records; for the year 1830 .....	8,000	0	0	7,289	17
To defray the Extraordinary Expenses of the Mint, in the Gold Coinage; in the year 1830 .....	19,000	0	0	19,000	0
To defray the Extraordinary Expenses that may be incurred for Prosecutions, &c. relating to the Coin of this Kingdom; for the year 1830 .....	7,000	0	0	7,000	0
To defray the Expense of Law Charges; for the year 1830 .....	15,000	0	0	10,000	0
To defray the Expenses incurred for the support of captured Negroes, &c. for the year 1830; under the several Acts for the Abolition of the Slave Trade .....	35,000	0	0	35,000	0
To defray in the year 1830, the Amount of Bills drawn from New South Wales and Van Diemen's Land, on account of the Expenditure incurred for Convicts in those Settlements .....	120,000	0	0	—	
Towards satisfying such Annuities, Pensions or other Payments, as would have been payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or out of the Civil List, in case the demise of his late Majesty had not taken place before the 5th day of January 1831 .....	300,000	0	0	160,415	3
For Repairs and Improvements of Windsor Castle; for the year 1830 .....	100,000	0	0	—	
For the Rideau Canal; for the year 1830 .....	163,000	0	0	122,250	0
The following SERVICES are directed to be paid without any Fee or other Deduction whatsoever:					
For defraying the CHARGE of the CIVIL ESTABLISHMENTS under-mentioned; viz.					
Of the Bahama Islands; for the year 1830 .....	3,040	0	0	2,400	0
Of Nova Scotia; for the year 1830 .....	10,445	0	0	9,600	0
Of New Brunswick; for the year 1830 .....	3,600	0	0	1,500	0
Of the Island of Bermuda; for the year 1830 .....	4,000	0	0	4,000	0
Of Prince Edward's Island; for the year 1830 .....	3,880	0	0	3,510	0
Of the Island of Newfoundland; for the year 1830 .....	11,261	0	0	6,000	0
Of Sierra Leone; for the year 1830 .....	10,180	15	10	—	
To defray the Expense of the Establishment at Fernandez Po; for the year 1830 .....	3,601	14	0	1,000	0
To defray the Expense of the Forts at Cape Coast Castle and Accra; for the year 1830 .....	4,000	0	0	—	
To defray the estimated Expenditure of the British Museum; for the year ending at Christmas 1830 .....	16,143	0	0	16,143	0
To defray the Expense of Works and Repairs of Public Buildings, and for Furniture and other Charges defrayed by the Office of Works; for the year 1830 .....	32,500	0	0	10,664	17
To defray the Expense of Works executing at Port Patrick Harbour; for the year 1830 .....	7,000	0	0	7,000	0
Ditto - - Donaghadee Harbour; for the year 1830 .....	8,000	0	0	8,000	0
Towards defraying the Expense of erecting Churches in the West Indies; for the year 1830 .....	6,000	0	0	6,000	0
Ditto - - and completing the Pier at Holb's Point, Milford Haven .....	8,000	0	0	—	
Ditto - - the State Paper Office; for the year 1830 .....	12,000	0	0	—	
To defray the Expenses of the Commissioners of the Holyhead and Howth Roads and Harbours .....	4,700	0	0	4,700	0
To defray the Expense of the New Buildings at the British Museum; for the year 1830 .....	10,000	0	0	5,665	18
To make Compensation to the Commissioners appointed by several Acts for inquiring into the Collection and Management of the Revenue in Ireland, and into certain Revenue Departments in Great Britain, for their assiduity, care and pains in the execution of the Trusts reposed in them by Parliament .....	6,500	0	0	6,500	0
To defray the Charge of Retired Allowances or Superannuations to Persons formerly employed in Public Offices or Departments, or in the Public Service; for the year 1830 .....	6,882	12	7	2,446	17

Class VI.—DISPOSITION OF GRANTS.

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SERVICES— <i>continued.</i>	SUMS Voted or Granted.			SUMS Paid.		
	£.	s.	d.	£.	s.	d.
To grant relief, in the year 1830, to Toulonese and Corsican Emigrants, Dutch Naval Officers, Saint Domingo Sufferers, and others who have heretofore received Allowances from his Majesty, and who from Services performed or Losses sustained in the British Service, have special Claims upon his Majesty's justice and liberality .....	13,647	10	0	6,697	10	0
To defray the Expense of the National Vaccine Establishment; for the year 1830 .....	2,500	0	0	2,500	0	0
To defray the Expense of the Establishment of the Penitentiary House at Millbank; for the year 1830 .....	21,135	0	0	10,000	0	0
For the support of the Institution called The Refuge for the Destitute; for the year 1830.....	3,000	0	0	3,000	0	0
For the relief of American Loyalists; for the year 1830.....	4,000	0	0	3,000	0	0
To defray the Expense of confining and maintaining Criminal Lunatics; for the year 1830 .....	3,039	0	0	2,958	7	11
For his Majesty's Foreign and other Secret Services; for the year 1830 .....	45,000	0	0	44,600	0	0
To defray the Expense of providing Stationery, Printing and Binding for the several Public Departments of Government for the year 1830, including the Expense of the Establishment of the Stationery Office .....	96,850	0	0	60,000	0	0
To defray the Expense attending the confining, maintaining, and employing Convicts at Home and at Bermuda; for the year 1830 .....	107,986	0	0	107,986	0	0
To pay in the year 1830, the Salaries and incidental Expenses of the Commissioners appointed on the part of his Majesty, under the Treaties with Spain and Portugal and the Netherlands, for preventing the illegal traffic in Slaves .....	18,700	0	0	5,000	0	0
To defray the Expense of Missions and Special Commissions to the new States of America; for the year 1830 .....	28,000	0	0	11,866	1	6½
To pay the Salaries of Consuls General and Consuls, their contingent Expenses and Superannuation Allowances to retired Consuls; for the year 1830 .....	87,970	0	0	34,445	10	2½
To pay in the year 1830, the Fees due and payable to the Officers of the Parliament on all Bills for continuing or amending any Acts for making and maintaining, keeping in repair or improving, Turnpike Roads, which shall pass the two Houses of Parliament, and receive the Royal Assent .....	9,000	0	0	9,000	0	0
To defray, in the year 1830, the Salaries and Expenses of the Commissioners, appointed to inquire into the Practice and Proceedings of the Superior Courts of Common Law, and into the Law of England respecting Real Property .....	16,600	0	0	16,600	0	0
To defray the Expenses of the Society for the Propagation of the Gospel in certain of his Majesty's Colonies; for the year 1830..	16,182	0	0	16,019	10	0
To defray the Charge in the year 1830, for providing Stores for the Engineer Department in New South Wales and Van Diemen's Land, Bedding and Clothing for the Convicts, Clothing and Tools for the Liberated Africans at Sierra Leone, and Indian presents for Canada .....	47,500	0	0	47,500	0	0
For the Protestant Charter Schools of Ireland .....	8,950	0	0	6,712	10	0
For the Association for Discountenancing Vice in Ireland .....	5,000	0	0	3,750	0	0
For the Society for Promoting the Education of the Poor of Ireland.....	25,000	0	0	23,000	0	0
For the Foundling Hospital of Dublin .....	30,900	0	0	30,900	0	0
For the House of Industry in Dublin .....	21,295	0	0	15,000	0	0
For the Richmond Lunatic Asylum .....	6,700	0	0	6,700	0	0
For the Hibernian Society for Soldiers' Children.....	7,596	0	0	7,596	0	0
For the Hibernian Marine Society.....	1,400	0	0	1,400	0	0
For the Female Orphan House in Dublin.....	1,375	0	0	1,375	0	0
For the Westmorland Lock Hospital in Dublin .....	3,060	0	0	3,060	0	0
For the Lying-in Hospital in Dublin.....	2,591	0	0	1,943	5	0
For Doctor Steevens's Hospital in Dublin .....	1,676	0	0	1,257	0	0
For the Fever Hospital in Cork-street, Dublin .....	3,860	0	0	2,895	0	0
For the Hospital for Incurables in Dublin.....	465	0	0	348	15	0
For the Roman Catholic .....	8,938	0	0	6,696	0	0
For the Royal Cork I .....	600	0	0	450	0	0

SERVICES— <i>continued.</i>	SUMS			SUMS		
	Voted or Granted.			Paid.		
	£.	s.	d.	£.	s.	d.
For the Royal Dublin Society .....	7,000	0	0	7,000	0	0
For the Royal Irish Academy .....	300	0	0	300	0	0
For the Commissioners of Charitable Donations and Bequests in Ireland .....	700	0	0	—		
For the Belfast Academical Institution.....	1,500	0	0	1,125	0	0
For the Board of Works in Ireland .....	13,780	0	0	3,461	13	11
For Printing, Stationery, &c. in the Chief Secretary's Office in Ireland .....	14,500	6	0	10,448	11	5
For Printing Proclamations and Statutes in Ireland.....	4,600	0	0	3,702	5	9
For Criminal Prosecutions in Ireland .....	50,000	0	0	48,200	0	0
For Non-conforming and other Dissenting Ministers in Ireland ..	14,860	6	0	9,676	3	0
For Salaries to Lottery Officers in Ireland .....	740	0	2	394	6	½
For Inland Navigations in Ireland .....	5,300	0	0	3,975	0	0
For the Police of Dublin .....	23,000	0	0	23,000	0	0
For the Commissioners of Judicial Inquiry in Ireland .....	7,328	6	2	5,407	5	1
For the Board of Public Records in Ireland.....	2,909	0	0	2,909	0	0
For the Public Works in Ireland .....	11,000	0	0	11,080	0	0
To pay Interest on Exchequer Bills for the year 1830 .....	750,000	0	0	720,873	0	2
	17,698,762	6	4½	13,360,346	4	6½
To pay off and discharge Exchequer Bills, and that the same be issued and applied towards paying off and discharging any Exchequer Bills charged on the Aids or Supplies of the years 1829 and 1830, now remaining unpaid or unprovided for .....	25,438,800	0	0			
To pay off and discharge Exchequer Bills, issued pursuant to several Acts for carrying on Public Works and Fisheries, and for building additional Churches, outstanding and unprovided for .....	168,800	0	0			
	25,607,600	0	0	24,563,430	0	0
	43,306,362	6	4½	37,923,796	4	6½

**Class VI.—DISPOSITION OF GRANTS.**

[xiii]

**PAYMENTS FOR OTHER SERVICES,**

Not being part of the Supplies granted for the Service of the Year.

	Sums Paid to 31st January 1831.	Estimated further Payments.
	£. s. d.	£. s. d.
<b>Grevener Charles Bedford, Esq. on his Salary, for additional trouble in preparing Exchequer Bills, pursuant to Act 48 Geo. 3, c. 1,.....</b>	150 0 0	50 0 0
<b>Expenses in the office of the Commissioners for issuing Exchequer Bills, pursuant to Acts 57 Geo. 3, c. 34 and 124, and 3 Geo. 4, c. 85 .....</b>	2,000 0 0	
<b>Expenses in the office of the Commissioners for issuing Exchequer Bills for building Churches, per Act 58 Geo. 3, c. 45.....</b>	3,000 0 0	
<b>Paid to the Bank of England, more than received from them, to make up their Balance on account of Unclaimed Dividends.....</b>	127,399 16 10	
	<b>132,549 16 10</b>	<b>50 0 0</b>
		<b>132,549 16 10</b>
<b>TOTAL Payments for Services not voted .....</b>		<b>132,599 16 10</b>
<b>Amount of Sums voted .....</b>		<b>43,306,362 6 4½</b>
<b>TOTAL Sums voted, and Payments for Services not voted .....</b>		<b>43,438,962 3 2½</b>



## WAYS AND MEANS

for answering the foregoing Services:

	£.	s.	d.
Duty on Sugar, per Act 1 Will. 4, c. 50 .....	3,000,000	0	0
East India Company, per Act 11 Geo. 4, c. 4 .....	60,000	0	0
Sum to be brought from the Consolidated Fund, per Act 11 Geo. 4, c. 2 .....	4,000,000	0	0
- - - - - Ditto - - - - - 28 .....	4,000,000	0	0
- - - - - Ditto - - - - - 1 Will. 4, c. 63 .....	1,500,000	0	0
- - - - - Ditto - - - - - 1 .....	3,000,000	0	0
- - - - - Ditto - - - - - 5 .....	1,850,000	0	0
Interest on Land-tax redeemed by Stock or Money .....	6,027	15	1½
Repayments by the Commissioners for issuing Exchequer Bills for carrying on Public Works and Fisheries in the United Kingdom ...	253,221	3	11
Surplus Ways and Means, per Act 11 Geo. 4, c. 4 .....	80,528	17	4
	17,749,777	16	4½
Exchequer Bills voted in Ways and Means; viz.			
Per Act 11 Geo. 4, c. 3 .....	£12,000,000	0	0
1 Will. 4, c. 62 .....	13,607,600	0	0
	25,607,600	0	0
TOTAL Ways and Means .....	43,357,377	16	4½
TOTAL Grants and Payments for Services not voted .....	43,438,962	3	2½
Deficiency of Ways and Means ....	81,584	6	10½

Whitehall, Treasury Chambers, }  
 28th February, 1831. }

T. SPRING RICE.

## CLASS VII.—ARREARS AND BALANCES.

[This Class, which occupies 85 folio pages in the Finance Accounts, is here omitted, as not being of general utility.]

## CLASS VIII.—TRADE OF THE UNITED KINGDOM.

An Account of the VALUE of IMPORTS into, and of EXPORTS from the United Kingdom of GREAT BRITAIN and IRELAND :—Also, the Amount of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real or Declared Value thereof.

YEARS ending 31st January.	VALUE OF IMPORTS into the United Kingdom, calculated at the Official Rates of Valuation.			VALUE OF EXPORTS FROM THE UNITED KINGDOM, calculated at the Official Rates of Valuation.									VALUE of the Produce and Manufactures of the United Kingdom Exported therefrom, according to the Real and Declared Value thereof.		
				Produce and Manufactures of the United Kingdom.			Foreign and Colonial Merchandise.			TOTAL EXPORTS.					
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
1829....	45,028,805	10	1	52,797,455	2	1	9,946,545	12	3	62,744,000	14	4	36,814,176	5	3
1830....	43,981,317	1	11	56,213,041	15	8	10,622,402	12	4	66,835,444	8	0	35,830,469	14	2
1831....	46,245,241	6	6	61,140,864	15	10	8,550,437	15	9	69,691,302	11	7	38,251,402	10	3

*Note.*—The British and Irish Records of Commerce having been incorporated together, under an arrangement which took effect at the commencement of 1830, the separate Accounts of the Trade of Great Britain and Ireland, which in former years were appended to this Statement, have necessarily been discontinued.

Inspector General's Office, Custom House, }  
London, 24th March, 1831. }

*WILLIAM IRVING,*  
Inspector General of Imports and Exports.

## NAVIGATION OF THE UNITED KINGDOM.

**NEW VESSELS BUILT.**—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were built and registered in the several Ports of the BRITISH EMPIRE, in the Years ending the 5th January, 1829, 1830, and 1831, respectively.

	In the Years ending the 5th January.					
	1829.		1830.		1831.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
United Kingdom.....	842	88,663	718	76,635	730	75,532
Isles Guernsey, Jersey, and Man .....	15	1,406	16	1,000	20	1,879
British Plantations .....	464	50,844	416	39,237	289	25,630
<b>TOTAL.....</b>	<b>1,321</b>	<b>140,913</b>	<b>1,150</b>	<b>116,872</b>	<b>1,039</b>	<b>103,041</b>

*Note.*—The Account delivered last year (for the year ending 5th January 1830), is now corrected; and as several Returns from the Plantations for the year ending 5th January 1831 are not yet received, a similar correction will be necessary when the next Account is made up.

**VESSELS REGISTERED.**—An Account of the Number of VESSELS, with the Amount of their TONNAGE and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE, on the 31st December 1828, 1829, and 1830, respectively.

	On 31st Dec. 1828.			On 31st Dec. 1829.			On 31st Dec. 1830.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
United Kingdom ...	19,151	2,161,373	131,306	18,618	2,168,356	130,809	18,675	2,168,916	130,000
Isles Guernsey, Jersey, and Man ...	495	31,927	3,763	492	31,603	3,707	499	32,676	3,649
British Plantations..	4,449	324,891	20,507	4,343	317,041	20,292	4,547	330,227	21,163
<b>TOTAL .....</b>	<b>24,095</b>	<b>2,518,191</b>	<b>155,576</b>	<b>23,453</b>	<b>2,517,000</b>	<b>154,808</b>	<b>23,721</b>	<b>2,531,819</b>	<b>154,812</b>

Office of Regr. Gen. of Shipping, Custom House, }  
London, 22nd March, 1831.

JOHN COFEY.

NAVIGATION OF THE UNITED KINGDOM—continued.

**VESSELS EMPLOYED IN THE FOREIGN TRADE.**—An Account of the Number of **VESSELS**, with the Amount of their **TONNAGE**, and the Number of **MEN** and **BOYS** employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards, at the several Ports of the United Kingdom, from and to Foreign Parts, during each of the Three Years ending 5th January, 1831.

SHIPPING ENTERED INWARDS IN THE UNITED KINGDOM									
From Foreign Parts.									
Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1829	13,436	2,094,357	119,141	4,955	634,620	36,733	18,391	2,728,977	155,874
1830	13,659	2,184,535	122,185	5,218	710,303	39,342	18,877	2,894,838	161,527
1831	13,548	2,180,042	122,103	5,359	758,828	41,670	18,907	2,938,870	163,773

SHIPPING CLEARED OUTWARDS FROM THE UNITED KINGDOM									
To Foreign Parts.									
	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1829	12,248	2,006,397	119,143	4,405	608,118	33,246	16,653	2,614,515	152,389
1830	12,636	2,063,179	119,262	5,094	730,250	38,527	17,730	2,793,429	157,769
1831	12,747	2,102,147	122,025	5,158	758,368	39,769	17,905	2,860,515	161,794

## NAVIGATION OF GREAT BRITAIN.

**NEW VESSELS BUILT.**—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were Built and Registered in the several Ports of the BRITISH EMPIRE (except IRELAND), in the Years ending 5th January, 1829, 1830, and 1831, respectively.

	In the Years ending the 5th January,					
	1829.		1830.		1831.	
	Vessels.	Tonnage.	Vessels.	Tonnage.	Vessels.	Tonnage.
England .....	630	70,685	517	61,299	529	60,276
Scotland .....	167	15,973	170	14,023	156	12,692
Isle of Guernsey .....	3	554	1	17	3	439
— Jersey .....	8	716	7	443	7	896
— Man .....	4	136	8	540	10	544
British Plantations .....	464	50,844	416	39,237	289	25,630
<b>TOTAL, (exclusive of Ireland) .....</b>	<b>1,276</b>	<b>138,908</b>	<b>1,119</b>	<b>115,559</b>	<b>994</b>	<b>100,477</b>

*Note.*—The Account delivered last year (for the Year ending 5th January, 1830) is now corrected; and as several Returns from the Plantations for the Year ending 5th January, 1831 are not yet received, a similar correction will be necessary when the next Return is made up.

**VESSELS REGISTERED.**—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of the BRITISH EMPIRE (except IRELAND) on the 31st December, 1828, 1829, and 1830 respectively.

	On 31st Dec. 1828.			On 31st Dec. 1829.			On 31st Dec. 1830.		
	Vessels.	Tonnage.	Men.	Vessels.	Tonnage.	Men.	Vessels.	Tonnage.	Men.
England .....	14,578	1,760,085	101,529	13,977	1,758,065	100,563	14,092	1,767,011	100,337
Scotland .....	3,168	301,839	21,999	3,228	308,297	22,481	3,159	300,085	21,849
Isle of Guernsey ...	74	8,364	594	75	7,672	574	77	8,096	593
— Jersey .....	196	17,552	1,750	200	18,217	1,761	205	18,601	1,754
— Man .....	225	6,011	1,419	217	5,714	1,372	217	5,979	1,302
British Plantations.	4,449	324,891	20,507	4,343	317,041	20,292	4,547	330,227	21,163
<b>TOTAL, (exclusive of Ireland) .....</b>	<b>22,690</b>	<b>2,418,742</b>	<b>147,798</b>	<b>22,040</b>	<b>2,415,006</b>	<b>147,043</b>	<b>22,297</b>	<b>2,429,999</b>	<b>147,018</b>

Office of Regr. Gen. of Shipping, Custom House, }  
London, 22nd of March, 1831. }

JOHN COFFEY.

## NAVIGATION OF IRELAND.

**NEW VESSELS BUILT.**—An Account of the Number of VESSELS, with the Amount of their TONNAGE, that were Built and Registered in the several Ports of IRELAND, in the Years ending 5th January, 1829, 1830, and 1831, respectively.

	Vessels.	Tonnage.
Year ending 5th January 1829.....	45	2,005
— 1830.....	31	1,313
— 1831.....	45	2,564

**VESSELS REGISTERED.**—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS usually employed in Navigating the same, that belonged to the several Ports of IRELAND, on the 31st December, 1828, 1829, and 1830, respectively.

	Vessels.	Tonn.	Men.
On the 31st December 1828 .....	1,405	99,449	7,778
.. 1829 .....	1,413	101,994	7,765
— 1830 .....	1,424	101,820	7,794

Office of Regr. Gen. of Shipping, Custom House, }  
London, 22nd March, 1831.

JOHN COVEY.

## NAVIGATION OF GREAT BRITAIN.

VESSELS EMPLOYED IN THE FOREIGN TRADE.—An Account of the Number of Vessels employed in Navigating the same, (including their repeated Voyages,) that entered to all Parts of the World, during each of the Three Years ending 5th January, cleared Outwards, during the same Period,

Years ending 5th Jan.	SHIPPING ENTERED INWARDS IN GREAT BRITAIN From all Parts of the World.								
	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1829	23,356	3,005,819	181,723	4,771	604,097	34,958	28,127	3,609,916	216,681
1830	23,536	3,096,759	186,719	5,028	682,048	37,639	28,564	3,778,807	224,358
1831	23,086	3,088,498	188,538	5,212	736,297	40,262	28,298	3,824,795	228,800
	SHIPPING CLEARED OUTWARDS FROM GREAT BRITAIN, To all Parts of the World.								
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1829	24,071	3,077,960	186,606	4,255	581,663	31,697	28,326	3,659,623	218,303
1830	25,543	3,240,205	192,364	4,942	706,089	37,103	30,485	3,946,294	229,467
1831	25,338	3,234,707	194,862	5,021	736,207	38,486	30,359	3,970,914	233,348

Office of Regr. Gen. of Shipping, Custom House, }  
London, 22nd of March, 1831. }

NAVIGATION OF GREAT BRITAIN—continued.

**SHIPS**, with the Amount of their **TONNAGE**, and the Number of **MEN** and **BOYS** **em-Inwards** and cleared **Outwards** at the several Ports of **GREAT BRITAIN**, from and **1831** :—Also, showing the Number and Tonnage of Shipping entered **Inwards** and exclusive of the Intercourse with **Ireland**.

Years ending 25th Jan.	SHIPPING ENTERED INWARDS IN GREAT BRITAIN From all Parts (except Ireland.)								
	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1829	12,587	1,955,348	111,307	4,771	604,097	34,958	17,358	2,559,645	146,265
1830	12,756	2,033,853	113,849	5,028	682,048	37,639	17,784	2,715,901	151,488
1831	12,727	2,036,091	114,201	5,212	736,297	40,262	17,939	2,772,388	154,463
	SHIPPING CLEARED OUTWARDS FROM GREAT BRITAIN To all Parts (except Ireland.)								
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1829	11,732	1,910,680	113,863	4,255	581,663	31,697	15,987	2,492,343	145,560
1830	12,065	1,954,037	113,387	4,942	706,089	37,103	17,007	2,660,126	150,490
1831	12,194	1,989,060	115,900	5,021	736,207	38,486	17,215	2,725,267	154,386

JOHN COVEY.



## NAVIGATION OF IRELAND.

**VESSELS EMPLOYED IN THE FOREIGN TRADE.**—An Account of the Number of VESSELS, with the Amount of their TONNAGE, and the Number of MEN and BOYS employed in Navigating the same (including their repeated Voyages), that entered Inwards and cleared Outwards at the several Ports of IRELAND, from and to all Parts of the World, during each of the Three Years ending 5th January 1831.

SHIPPING ENTERED INWARDS IN IRELAND, From all Parts of the World.									
Years ending 5th Jan.	BRITISH AND IRISH VESSELS.			FOREIGN VESSELS.			TOTAL.		
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1829	13,107	1,278,050	75,848	184	30,523	1,775	13,291	1,308,573	77,623
1830	14,781	1,442,722	86,045	190	28,255	1,703	14,971	1,470,977	87,748
1831	14,160	1,385,452	85,544	147	22,531	1,408	14,307	1,407,983	86,952
SHIPPING CLEARED OUTWARDS FROM IRELAND, To all Parts of the World.									
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1829	9,306	1,019,222	62,418	150	26,455	1,549	9,456	1,045,677	63,967
1830	9,493	1,015,300	63,872	152	24,161	1,424	9,645	1,039,461	65,296
1831	9,008	994,052	66,854	137	22,161	1,283	9,145	1,016,213	68,137
SHIPPING ENTERED INWARDS IN IRELAND, From all Parts (except Great Britain.)									
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1829	849	138,809	7,834	184	30,523	1,775	1,033	169,332	9,609
1830	903	150,681	8,336	190	28,255	1,703	1,093	178,936	10,039
1831	821	143,951	7,902	147	22,531	1,408	968	166,482	9,310
SHIPPING CLEARED OUTWARDS FROM IRELAND, To all Parts (except Great Britain.)									
	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.	Vessels.	Tons.	Men.
1829	516	95,717	5,280	150	26,455	1,549	666	122,172	6,829
1830	571	109,142	5,875	152	24,161	1,424	723	133,303	7,299
1831	553	113,087	6,125	137	22,161	1,283	690	135,248	7,408

(End of Annual Finance Accounts, from 5th Jan. 1830 to 5th Jan. 1831.)

# FINANCE BALANCE SHEETS

FOR EIGHT YEARS, 1824 TO 1831.

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AN ACCOUNT of the NET PUBLIC INCOME of the United Kingdom of *Great Britain and Ireland*, in each of the Years ended 5th January 1824, 1825, 1826, 1827, 1828, 1829, 1830, and 1831, after abating the Expenditure thereout, defrayed by the several Revenue Departments.

And of the ACTUAL ISSUES OR PAYMENTS within the same Periods, exclusive of the Sums applied to the Redemption of Funded Debt, or for paying off Unfunded Debt.

*(Being No. II. Class II. of the Annual Finance Accounts in Hansard's Parliamentary Debates during the above Periods.)*

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ORDERED, BY THE HOUSE OF COMMONS,

TO BE RE-PRINTED, 9TH FEBRUARY 1831:

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*RE-arranged, in order to present, at one view, every Year's Total under each respective head of Account and General Total,*

BY T. C. HANSARD,

*Paternoster Row,*

*May 9, 1832.*

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## FINANCE BALANCE SHEETS

INCOME OR REVENUE, Applicable to the Consolidated Fund.	1824.			1825.			1826.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
<b>ORDINARY RECEIPTS.</b>									
[1] Customs .. .. .	8,797,067	13	3½	8,580,882	13	2½	13,530,524	0	
[2] Excise .. .. .	24,533,021	1	10½	26,496,882	16	5½	21,000,487	6	1
[3] Stamps .. .. .	6,801,950	0	4½	7,244,042	7	0½	7,447,923	18	1
[4] Taxes .. .. .	6,202,990	18	6½	4,919,248	9	8½	4,990,261	2	
[5] Post Office .. .. .	1,462,692	6	1½	1,520,615	7	8½	1,595,461	10	
[6] 1/6 & 4/0 $\frac{1}{2}$ £ on Pensions and Salaries .. .. .	61,358	7	3½	61,374	12	10	56,730	5	1
[7] Hackney Coaches, Hawkers and Pedlars .. .. .	53,880	0	0	57,134	10	0	59,857	0	
[8] Crown Lands .. .. .	966	13	4	966	13	4	—		
[9] Small Branches of the King's Hereditary Revenue .. .. .	4,274	4	11	5,189	16	3	5,442	9	
[10] Surplus Fees of regulated Public Offices .. .. .	39,718	17	4	39,888	8	4	56,091	14	
[11] Poundage Fees, Pells Fees, &c. in Ireland .. .. .	10,208	13	0½	9,748	11	0½	11,520	6	1
<b>TOTAL Ordinary Revenue ..</b>	-	-	-	-	-	-	-	-	-
<b>OTHER RECEIPTS.</b>									
[1] Savings on Third Class of the Civil List .. .. .	11,018	19	2½	7,827	5	2	—		
[2] Brought from Civil List, on account of the Clerk of the Hanaper .. .. .	7,218	2	7½	1,100	0	0	2,000	0	
[3] Received in repayment of the Loan raised for the Service of the Emperor of Germany, per Acts 35 and 37 Geo. III. .. .. .	766,666	13	4	1,733,333	6	8	—		
[4] Money repaid in Ireland, on account of advances from the Consolidated Fund, under various Acts of Public Improvements ..	108,219	1	11½	160,201	9	5½	210,388	14	
[5] Imprest and other Monies paid into the Exchequer .. .. .	319,064	18	10½	385,147	15	9	218,240	7	
[6] Mint Repayments on account of Silver Coin .. .. .	-	-	-	-	-	-	-	-	-
[7] Money paid by the King of the Netherlands .. .. .	-	-	-	-	-	-	-	-	-
[8] Repayments of Money advanced on account of Silver Coin ..	-	-	-	-	-	-	-	-	-
[9] Brought from the Civil List, on account of the Salary of the Lord Warden of Cinque Ports ..	-	-	-	-	-	-	-	-	-
<b>TOTAL .. .. .</b>	49,180,336	12	2	51,224,284	2	11½	49,185,028	18	

FOR EIGHT YEARS.

[xxxv]

1827.	1828.	1829.	1830.	1831.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
17,270,311 19 3½	15,255,612 0 8	14,001,504 17 9½	14,029,736 9 11½	14,619,233 14 3½
12,172,019 13 0½	18,438,707 4 7½	20,759,685 5 6½	19,540,010 19 11½	18,644,384 19 3
6,702,350 11 10½	6,811,226 8 0	7,107,950 0 2	7,101,304 13 5	7,058,121 4 0
4,702,742 12 6½	4,768,273 6 3	4,849,303 8 1½	4,896,567 10 6½	5,013,405 3 8½
1,570,000 0 0	1,463,000 0 0	1,508,000 0 0	1,481,000 0 0	1,466,011 18 6
48,427 10 6½	62,409 9 10½	55,006 1 7	54,493 1 11½	51,226 14 1½
64,151 10 0	62,689 0 0	66,611 16 1	61,167 1 10	58,088 0 0
—	—	—	—	—
6,325 8 7	4,973 7 11	6,678 1 3	6,632 5 0	4,653 11 2
69,160 14 11	65,995 14 0½	67,081 0 1½	66,372 15 0½	44,684 3 9
2,594 10 8½	9,896 8 0	9,353 1 1	8,886 14 8½	9,096 9 1½
—	—	48,431,173 11 9½	47,246,171 12 4½	46,968,905 17 11
—	—	—	—	—
—	2,500 0 0	—	1,000 0 0	—
—	—	—	—	—
156,581 8 11½	172,893 17 9½	—	—	—
184,839 19 11½	372,829 5 2½	260,327 7 0½	212,522 14 6½	97,265 0 7
206,365 14 10	199,634 5 2	—	—	—
100,000 0 0	—	—	—	—
—	—	94,000 0 0	—	—
—	—	—	3,452 0 3	—
20,202,872 15 3	47,690,730 7 6½	48,785,560 18 10½	47,463,146 7 2½	47,066,170 18 6

## FINANCE BALANCE SHEETS

INCOME OR REVENUE, Applicable to other Public Services than the Consolidated Fund.	1824.			1825.			1826.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.
<b>ORDINARY RECEIPTS.</b>									
Customs .. .. .	2,701,694	19	7	2,746,858	13	0	3,011,000	0	0
Excise .. .. .	809,807	0	0	271,157	3	6	4,000	0	0
Taxes .. .. .	3,936	10	2½	2,821	14	2	—		
Surplus Produce of Lottery, after payment of Lottery Prizes ..	24,809	3	0	245,206	9	3	295,390	0	0
<hr/>									
<b>OTHER RECEIPTS.</b>									
By the East India Company, on account of retired Pay, Pensions, &c. of Forces serving in the East Indies .. ..	90,000	0	0	60,000	0	0	60,000	0	0
By the Trustees of Military and Naval Pensions, &c. .. ..	4,675,000	0	0	4,660,000	0	0	4,507,500	0	0
By the Bank of England, to pay Interest of £.1,050,000, ad- vanced in Exchequer Bills to the Trustees of Military and Naval Pensions, &c. .. ..	10,719	0	0	—			—		
By the Commissioners for issuing Exchequer Bills for Public Works .. .. .	116,733	15	5	125,273	9	0	208,307	0	0
Imprest and other Monies paid into the Exchequer .. ..	59,962	8	0	26,802	4	1½	2,043	3	6
Paid by the Bank of England, on account of Unclaimed Dividends, &c. .. .. .	—	—	—	—	—	—	—	—	—
<b>TOTAL .. ..</b>	<b>8,492,662</b>	<b>16</b>	<b>2½</b>	<b>8,138,119</b>	<b>13</b>	<b>0½</b>	<b>8,068,240</b>	<b>3</b>	<b>6</b>

FOR EIGHT YEARS.

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1827.	1828.	1829.	1830.	1831.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
10,400 0 0	2,638,793 3 5	3,233,903 12 2½	3,182,103 9 7	2,921,089 0 6½
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
60,000 0 0	60,000 0 0	60,000 0 0	60,000 0 0	60,000
4,380,000 0 0	4,245,000 0 0	3,082,500 0 0	—	—
—	—	—	—	—
117,000 7 2	272,877 0 10	—	—	—
134 15 8	5,959 8 4½	143 11 9½	28 1 4½	9,356 7 3½
64,581 12 2	19,158 13 8	25,034 14 1	81,404 7 8	—
4,632,116 15 0	7,941,788 6 3½	6,401,581 18 1	3,323,535 18 7½	2,900,445 7 10½

TOTAL INCOME.		1824.	1825.	1826.
ORDINARY RECEIPTS.		£. s. d.	£. s. d.	£. s. d.
[1]	Customs .. .. .	11,498,762 12 10½	11,327,741 6 2½	11,541,524 0 1
[2]	Excise .. .. .	25,342,828 1 10½	26,768,039 19 11½	21,004,487 6 10½
[3]	Stamps .. .. .	6,801,950 0 4½	7,244,042 7 0½	7,447,923 12 11
[4]	Taxes .. .. .	6,206,927 8 9½	4,922,070 2 10½	4,990,961 2 4½
[5]	Post Office .. .. .	1,462,692 6 1½	1,520,615 7 8½	1,595,461 10 9½
[6]	1/6 & 4/0 & £ on Pensions and Salaries .. .. .	61,358 7 3½	61,374 12 10	56,730 5 11½
[7]	Hackney Coaches, Hawkers and Pedlars .. .. .	53,880 0 0	57,134 10 0	59,857 0 0
[8]	Crown Lands .. .. .	966 13 4	966 13 4	—
[9]	Small Branches of the King's Hereditary Revenue .. .. .	4,274 4 11	5,189 16 3	5,442 9 7
	Surplus Produce of Lottery, after payment of Lottery Prizes .. .. .	24,809 3 0	245,206 9 3	295,390 0 0
[10]	Surplus Fees of regulated Public Offices .. .. .	39,718 17 4	39,888 8 4	56,091 14 7
[11]	Poundage Fees, Pells Fees, &c. in Ireland .. .. .	10,208 13 0½	9,748 11 0½	11,520 6 11½
TOTAL Ordinary Revenues ..		51,508,376 8 11½	52,202,018 5 10	52,065,389 16 2
OTHER RECEIPTS.				
[1]	Savings on Third Class of the Civil List .. .. .	11,018 19 2½	7,827 5 2	—
[2]	Brought from Civil List, on account of the Clerk of the Hanaper .. .. .	7,218 2 7½	1,100 0 0	2,000 0 0
[3]	Received in repayment of Loan raised for the Service of the Emperor of Germany, per Acts 35 and 37 Geo. III. .. .. .	766,666 13 4	1,733,333 6 8	—
	By the East India Company, on account of retired Pay, Pensions, &c. of Forces serving in the East Indies .. .. .	90,000 0 0	60,000 0 0	60,000 0 0
	By the Trustees of Military and Naval Pensions, &c. .. .. .	4,675,000 0 0	4,660,000 0 0	4,507,500 0 0
	By the Bank of England, to pay Interest on £1,050,000, advanced in Exchequer Bills to the Trustees of Military and Naval Pensions, &c. .. .. .	10,719 0 0	—	—
	By the Commissioners for issuing Exchequer Bills for Public Works .. .. .	116,733 15 5	125,273 9 0	208,307 0 0
[4]	Money repaid in Ireland, on account of advances from the Consolidated Fund, under various Acts for Public Improvements .. .. .	108,219 1 11½	160,901 9 5½	210,388 14 10½
[5]	Imprest and other Monies paid into the Exchequer .. .. .	379,047 6 10½	411,949 19 10½	220,283 11 0½
[6]	Mint Repayments on account of Silver Coin .. .. .	—	—	—
[7]	Money paid by the King of the Netherlands .. .. .	—	—	—
	Paid by the Bank of England, on account of Unclaimed Dividends, &c. .. .. .	—	—	—
[8]	Repayments of Money advanced on account of Silver Coin .. .. .	—	—	—
[9]	Brought from the Civil List, on account of the Salary of the Lord Warden of Cinque Ports .. .. .	—	—	—
TOTAL .. .. .		57,672,999 8 4½	59,362,408 16 0½	57,272,999 2 1½

FOR EIGHT YEARS.

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1927.	1928.	1929.	1930.	1931.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
17,280,711 19 3½	17,894,405 4 1	17,235,408 10 0	17,211,839 19 6½	17,540,322 14 10.
19,172,019 13 0½	18,438,707 4 7½	20,759,685 5 6½	19,540,010 19 11½	18,644,384 19 3
6,702,380 11 10½	6,811,226 8 0	7,107,950 0 2	7,101,304 13 5	7,068,121 4 0
4,702,748 12 6½	4,708,278 6 3	4,849,303 8 1½	4,896,567 10 6½	5,013,405 3 8½
1,570,000 0 0	1,463,000 0 0	1,508,000 0 0	1,481,000 0 0	1,466,011 18 6
42,427 10 6½	62,409 9 10½	55,006 1 7	54,493 1 11½	51,226 14 1½
64,151 10 0	62,689 0 0	66,611 16 1	61,167 1 10	58,088 0 0
—	—	—	—	—
6,328 8 7	4,973 7 11	6,678 1 3	6,632 5 0	4,853 11 2
—	—	—	—	—
69,160 14 11	65,995 14 0½	67,081 0 1½	66,372 15 0½	44,684 3 9
9,594 10 8½	9,896 8 0	9,353 1 1	8,886 14 8½	9,096 9 1½
49,625,485 11 6	49,581,576 2 9½	51,665,077 4 4	50,428,275 1 11½	49,889,994 18 5½
—	—	—	—	—
—	2,500 0 0	—	1,000 0 0	—
—	—	—	—	—
60,000 0 0	60,000 0 0	60,000 0 0	60,000 0 0	60,000 0 0
4,380,000 0 0	4,245,000 0 0	3,082,500 0 0	—	—
—	—	—	—	—
117,000 7 2	272,877 0 10	—	—	—
156,581 8 11½	172,983 17 9½	—	—	—
184,974 15 7½	378,788 13 7½	260,530 18 10½	212,550 15 11	106,621 7 10½
206,365 14 10	199,634 5 2	—	—	—
100,000 0 0	—	—	—	—
64,581 12 2	19,158 13 8	25,034 14 1	81,404 7 8	—
—	—	94,000 0 0	—	—
—	—	—	3,452 0 3	—
54,894,989 10 3	54,932,518 13 10	55,187,142 16 11½	50,786,682 5 9½	50,056,616 6 4½



## FINANCE BALANCE SHEETS

EXPENDITURE.	1824.	1825.	1826.
	£. s. d.	£. s. d.	£. s. d.
Interest and Management of the Public Funded Debt .. .. .	28,084,784 12 10	27,979,068 7 11	27,230,789 19 6½
Interest on Exchequer Bills ..	1,131,121 19 7	1,087,283 13 2	829,498 2 5
Trustees of Military and Naval Pensions .. .. .	2,507,130 0 0	2,214,260 0 0	2,214,260 0 0
Bank of England .. .. .	292,870 0 0	585,740 0 0	585,740 0 0
Civil List .. .. .	1,057,000 0 0	1,057,000 0 0	1,057,000 0 0
Pensions .. .. .	377,776 2 4	371,644 1 10½	366,028 8 2½
Salaries and Allowances .. ..	70,873 18 6	70,212 10 6	87,641 5 0½
Officers of Courts of Justice ..	97,459 6 6	96,265 4 11	98,642 0 4
Expenses of the Mint .. ..	14,746 10 8	14,748 7 0	14,748 15 10
Bounties .. .. .	2,956 13 8	2,956 13 8	2,956 13 8
Miscellaneous .. .. .	214,735 11 9	808,912 15 2	261,845 18 0
Ditto - Ireland .. .. .	305,257 17 8	300,102 10 8½	301,084 2 9
Army .. .. .	7,351,991 16 1½	7,573,026 2 7½	7,579,631 4 4½
Navy .. .. .	5,613,151 2 2	6,161,818 3 10	5,849,119 4 3
Ordnance .. .. .	1,364,328 5 7½	1,407,308 2 10½	1,567,087 7 7½
Miscellaneous .. .. .	1,953,366 2 10	2,449,148 19 4½	2,216,081 15 4½
Paid to the Bank of England more than received from them on account of Unclaimed Dividends ..	52,720 6 11	48,424 4 2	49,464 11 6
By the Commissioners for issuing Exchequer Bills, per Act 57 Geo. III. c. 34 & 124, for employment of the Poor .. .. .	165,200 0 0	219,200 0 0	125,150 0 0
Advances out of the Consolidated Fund in Ireland, for Public Works ..	304,544 10 9	327,411 0 10½	533,258 7 2½
Repayment of Loan from the Royal Exchange Assurance Company, on account of the New Street .. ..	- - -	- - -	100,000 0 0
For Purchase of Silver for the New Coinage in Ireland .. .. .	- - -	- - -	500,000 0 0
For Building New Churches in the Highlands of Scotland .. ..	- - -	- - -	50,000 0 0
Advance on account of the Wet Docks at Leith .. .. .	- - -	- - -	- - -
For the Purchase of the Duke of Athol's Interests in the Public Revenues of the Isle of Man .. ..	- - -	- - -	- - -
Advanced towards rebuilding London Bridge, per Act 7 Geo. IV. c. 40 ..	- - -	- - -	- - -
Lottery Prizes .. .. .	- - -	- - -	- - -
Bank of England, for Discount and Management in the Funding £.8,000,000 Exchequer Bills ..	- - -	- - -	- - -
TOTALS .. .. .	50,962,014 17 11½	52,774,600 18 8½	51,620,027 16 1½
Surplus of INCOME over EXPENDITURE	6,710,984 10 5½	6,587,802 17 3½	5,653,841 6 0½
	57,672,999 8 4½	59,362,403 16 0½	57,273,869 2 1½

FOR EIGHT YEARS.

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1827.	1828.	1829.	1830.	1831.
£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
27,245,750 14 0	27,366,601 7 0	27,146,076 8 1½	28,277,117 18 6½	28,325,827 2 6½
831,207 6 3	873,246 12 3	949,429 13 7	878,494 1 3½	793,031 1 8
2,214,260 0 0	2,214,260 0 0	1,107,130 0 0	—	—
585,740 0 0	585,740 0 0	585,740 0 0	—	—
1,057,000 0 0	1,057,000 0 0	* 57,000 0 0	1,057,000 0 0	899,660 3 3
364,268 6 3½	365,908 15 1½	370,867 12 8	378,691 16 10½	465,286 1 10½
69,115 13 5	80,896 1 5½	78,204 0 0	71,257 16 8	90,934 4 2½
150,590 15 11½	148,047 8 7½	150,365 3 3½	148,021 15 6½	279,231 5 6
14,750 0 0	14,750 0 0	16,813 2 7	14,633 0 0	14,606 0 0
2,956 13 8	2,956 13 8	2,956 13 8	2,956 13 8	2,956 13 8
204,064 7 9	245,459 9 11	227,387 10 9	202,470 3 8	225,942 12 8
301,427 10 6½	303,199 19 0	300,959 0 11½	377,968 12 5½	53,282 3 5
8,297,360 15 8½	7,876,682 8 2½	8,084,042 11 0½	7,709,372 6 9	6,991,163 7 4½
6,540,634 9 2	6,414,727 4 0	5,667,969 12 1	5,902,339 1 8	5,309,605 17 5
1,869,606 9 8½	1,914,403 0 0	1,446,972 0 0	1,569,150 0 0	1,613,908 0 0
2,566,783 11 5½	2,863,247 19 5	2,012,115 17 11	2,485,660 12 4	1,950,108 13 4
—	—	—	—	127,399 16 10
443,300 0 0	551,900 0 0	—	—	—
546,922 2 6½	437,753 19 9	—	—	—
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—
240,000 0 0	—	—	—	—
150,000 0 0	134,200 0 0	132,944 0 0	—	—
120,000 0 0	120,000 0 0	—	—	—
69,802 5 10	193,044 0 0	—	—	—
—	36,267 1 3	—	—	—
53,885,541 2 2½	53,800,291 19 7½	49,336,973 6 7½	49,075,133 19 5½	47,142,943 3 11½
1,009,448 8 0½	1,132,226 14 2½	5,850,169 10 3½	1,711,548 6 3½	2,913,673 2 4½
54,894,989 10 3	54,932,518 13 10	55,187,142 16 11½	50,786,682 5 9½	50,056,616 6 4½

\* Sic. orig.—but apprehended to be an error for 1,057,000.—H.



A  
L I S T

OF

All the STATUTES passed in the FIRST Session of the  
NINTH Parliament of the United Kingdom of *Great Britain*  
and *Ireland*.

1° *GUL.* IV.

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PUBLIC GENERAL ACTS.

CAP.

- I. **A**N ACT to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty.
- II. **A**N ACT to provide for the Administration of the Government in case the Crown should descend to Her Royal Highness the Princess *Alexandrina Victoria*, Daughter of His late Royal Highness the Duke of *Kent*, being under the Age of Eighteen Years, and for the Care and Guardianship of Her Person.
- III. **A**N ACT to amend an Act of the last Session, for the better Administration of Justice, so far as relates to the Essoign and General Return Days of each Term, and to substitute other Provisions in lieu thereof; and to declare the Law with regard to the Duration of the Terms in certain Cases.
- IV. **A**N ACT to render valid Acts done by the Governor of any of His Majesty's Plantations after the Expiration of his Commission by the Demise of His late Majesty, and to extend the Period within which the Patents of Governors of Colonies shall on any future Demise of the Crown become vacant, and to provide for the longer Duration of the Patents of Governors after the Demise of the Crown.
- V. **A**N ACT to apply the Sum of One million eight hundred and fifty thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty; and to appropriate the Supplies granted in this Session of Parliament.
- VI. **A**N ACT to continue for the Term of Six Calendar Months all such Commissions, Appointments, Grants, or Patents of Offices or Employments, Civil or Military, as were in force at the Time of the Demise of His late Majesty King *George* the Fourth, and as have not been superseded, determined, or made void during the Reign of His present Majesty.
- VII. **A**N ACT for the more speedy Judgment and Execution in Actions brought in His Majesty's Courts of Law at *Westminster*, and in the Court of Common Pleas of the County Palatine of *LANCASTER*; and for amending the Law as to Judgment on a *Cognovit actionem* in Cases of Bankruptcy.
- VIII. **A**N ACT for enabling His Majesty to appoint a Postmaster General for the United Kingdom of *Great Britain* and *Ireland*.
- IX. **A**N ACT to apply the Sum of Five Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-one.

- X. AN ACT for appropriating certain Sums to the Service of the Year One thousand eight hundred and thirty-one.
- XI. AN ACT for raising the Sum of Twelve Millions by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-one.
- XII. AN ACT for continuing to His Majesty for One Year certain Duties on Personal Estates, Offices, and Pensions in *England*, for the Service of the Year One thousand eight hundred and thirty-one.
- XIII. AN ACT to amend an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for appropriating the Richmond Lunatic Asylum in Dublin to the Purposes of a District Lunatic Asylum*.
- XIV. AN ACT for the Regulation of His Majesty's Royal Marine Forces while on Shore.
- XV. AN ACT for punishing Mutiny and Desertion ; and for the better Payment of the Army and their Quarters.
- XVI. AN ACT to continue until the Fifth Day of *July* One thousand eight hundred and thirty-two an Act of the Fifty-fourth Year of His Majesty King *George* the Third, for rendering the Payment of Creditors more equal and expeditious in *Scotland*.
- XVII. AN ACT to repeal the Duties and Drawbacks on Printed Calicoes, Linens, and Stuffs.
- XVIII. AN ACT to explain and amend an Act of the Sixth Year of His late Majesty King *George* the Fourth as far as regards the Settlement of the Poor by the renting and Occupation of Tenements.
- XIX. AN ACT to extend the Provisions of an Act of the Fifty-fifth Year of the Reign of King *George* the Third, to provide for the taking an Account of the Population of *Ireland*, and for ascertaining the Increase or Diminution thereof.
- XX. AN ACT to explain and amend the Laws relating to Lands holden in Free and Common Socage in the Province of *Lower Canada*.
- XXI. AN ACT to improve the Proceedings in Prohibition and on Writs of *Mandamus*.
- XXII. AN ACT to enable Courts of Law to order the Examination of Witnesses upon Interrogatories and otherwise.
- XXIII. AN ACT for granting to His Majesty, until the Fifth Day of *April* One thousand eight hundred and thirty-two, certain Duties on Sugar imported into the United Kingdom, for the Service of the Year One thousand eight hundred and thirty.
- XXIV. AN ACT to amend an Act of the Sixth Year of His late Majesty, to regulate the Trade of the *British Possessions Abroad*.
- XXV. AN ACT for the Support of His Majesty's Household, and of the Honour and Dignity of the Crown of the United Kingdom of *Great Britain and Ireland*.
- XXVI. AN ACT to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those Purposes respectively until the Twenty-fifth Day of *March* One thousand eight hundred and thirty-two ; to permit such Persons in *Great Britain* as have omitted to make and file Affidavits of the Execution of Indentures of Clerks to Attornies and Solicitors to make and file the same on or before the First Day of *Hilary* Term One thousand eight hundred and thirty-two ; and to allow Persons to make and file such Affidavits, although the Persons whom they served shall have neglected to take out their annual Certificates.
- XXVII. AN ACT for enabling His Majesty's Postmaster General to sell the Premises lately used as the Post Office in *Lombard Street, Abchurch Lane, and Sherborne Lane, in the City of London*.

## LOCAL AND PERSONAL ACTS

DECLARED PUBLIC,


AND TO BE JUDICIALLY NOTICED.

## CAP.

- i. **AN ACT** for more effectually repairing and otherwise improving the Road from *Highgate* in the County of *Middlesex*, through *Whetstone*, to *Chipping Barnet* in the County of *Hertford*, and the Road from *Chipping Barnet* to the Thirteen Mile Stone near *Gannick Corner* in the Parish of *South Mims* in the said County of *Middlesex*.
- ii. **AN ACT** for repairing, amending, and maintaining the Roads from *Marchweil*, through *Bangor*, *Worthenbury*, and *Hanner*, to *Whitchurch*, and from *Bangor* to *Malpas*, and from *Redbrook* to *Hampton*, in the Counties of *Denbigh*, *Flint*, *Chester*, and *Salop*.
- iii. **AN ACT** for enlarging the Powers of an Act passed in the Tenth Year of the Reign of His late Majesty, for improving the Approaches to *London Bridge*.
- iv. **AN ACT** to alter, amend, and enlarge the Powers of an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, for regulating the Poor of the City of *Bristol*, and for other Purposes connected therewith.
- v. **AN ACT** for more effectually repairing the Road from the Powder Mills on *Hounslow Heath* in the County of *Middlesex*, to the Twenty Mile Stone on *Egham Hill* in the County of *Surrey*.
- vi. **AN ACT** for more effectually repairing and otherwise improving the Road from the Post Road near *Faversham*, by *Bacon's Water*, through *Ashford*, to *Hythe*, and from *Bacon's Water* to *Castle Street* in the City of *Canterbury*, all in the County of *Kent*.
- vii. **AN ACT** for more effectually maintaining the Road from *Crossford Bridge* to the Town of *Manchester* in the County Palatine of *Lancaster*, and for making a Branch Road to communicate therewith.
- viii. **AN ACT** for repairing the Road leading from *Dartford* to *Sevenoaks* in the County of *Kent*.
- ix. **AN ACT** for repairing the Road from *Wimborne Minster* to *Blandford Forum* in the County of *Dorset*.
- x. **AN ACT** for repairing the Road from *Burton Bridge* in the County of *Stafford* to *Market Bosworth* in the County of *Leicester*.
- xi. **AN ACT** for repairing the Road from *Birmingham* to *Bromsgrove*.
- xii. **AN ACT** for repairing the Road from *Measham* in the County of *Derby* to *Fieldon Bridge* in the County of *Warwick*, and other Roads communicating therewith, in the Counties of *Derby*, *Leicester*, and *Warwick*.
- xiii. **AN ACT** for more effectually repairing the Road from the *Rotherham* and *Mansfield* Turnpike Road, at or near *Clown* in the County of *Derby*, to the *Worksope* and *Kelham* Turnpike Road at or near *Budby* in the County of *Nottingham*.
- xiv. **AN ACT** for repairing the *Walling Street* Road, the *Manchester* and *Wolvey Heath* Road, and other Roads communicating therewith, in the Counties of *Leicester* and *Warwick*.
- xv. **AN ACT** for repairing the Road from the *Broken Cross* in *Macclesfield* to *Nether Tabley* in the County of *Chester*.
- xvi. **AN ACT** to authorize the raising of further Monies for supplying the Town of *Manchester* with Gas.
- xvii. **AN ACT** for more effectually repairing and improving the Road from *Lower Saint Gress*

*Mill Lane, on the Road from the City of Winchester to Southampton, to Park Gate, on the Road from Southampton to Gosport, in the County of Southampton.*

- xxviii. AN ACT for more effectually repairing the Road from *Albion Street*, in the Town of *Cheltenham* in the County of *Gloucester*, to *Bunch Lane* in or near the Village of *Bishop's Cleeve* in the said County, to join the Turnpike Road leading from the Town of *Evesham* in the County of *Worcester* to the said Town of *Cheltenham*.
- xix. AN ACT to enlarge the Powers of an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, for establishing and well-governing the Institution called "*The School for the Indigent Blind*," and for incorporating the Subscribers thereto, and the better enabling them to carry on their charitable and useful Designs.
- xx. AN ACT to amend an Act of the Forty-seventh Year of King *George* the Third, for enlarging the Churchyard belonging to the Parish of *Saint Martin* in the Town of *Birmingham* in the County of *Warwick*, and for providing an additional Cemetery or Burial Ground for the Use of the said Parish.
- xxi. AN ACT for the better assessing and recovering of the Rates for the Relief of the Poor, and of the Ecclesiastical or Church Rates, upon small Tenements within the Parish of *Liverpool* in the County Palatine of *Lancaster*.
- xxii. AN ACT for raising a further Sum of Money to defray the outstanding Claims in respect of the building the Crypt and Tower to the additional Church erected in the Parish of *Saint Mary Magdalen Bermondsey* in the County of *Surrey*, and of inclosing the Burial Ground thereof.
- xxiii. AN ACT for building a Church or Chapel, with a Cemetery to the same, in the Township of *Liscard* in the Parish of *Wallasey* in the County Palatine of *Chester*.
- xxiv. AN ACT for erecting a Chapel in the Parish of *Saint Leonard's* within the Liberty of the Town and Port of *Hastings* in the County of *Sussex*, for the Accommodation of the Inhabitants of the said Parish and of the Parish of *Saint Mary Magdalen* within the said Liberty and County.
- xxv. AN ACT for making and maintaining a Pier or Jetty, and other Works, at *Herne Bay* in the Parish of *Herne* in the County of *Kent*.
- xxvi. AN ACT for more effectually draining certain Fen Lands and Wet Grounds called the *Great West Fen*, in the Parish of *Hilgay* in the County of *Norfolk*.
- xxvii. AN ACT to amend an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for improving the Drainage of the Lands lying in the North Level, Part of the Great Level of the Fens called Bedford Level, and in Great Portsand in the Manor of Crowland, and for providing a Navigation between Clows Cross and the Nene Outfall Cut*.
- xxviii. AN ACT for more effectually amending and widening the Road from a Place near the Village of *Milford* in the County of *Surrey*, through *Haslemere*, to the Forty-third Mile Stone at *Carpenter's Heath*, and from thence to a Bridge, near the *Blue Bell Inn*, over *Houndley's Water*, at the Boundary of the said County of *Surrey*.
- xxix. AN ACT for amending and maintaining the Turnpike Road from and out of the Road leading from *Quebec* in *Leeds* to *Homefield Lane End* in *Wortley*, to communicate with the Road leading from *Huddersfield* to *Birstal* at the *Coach and Horses* Public House in *Birstal* in the West Riding of the County of *York*.
- xxx. AN ACT for amending and maintaining the Roads from *Stafford* to *Sandon* in the County of *Stafford*, and from *Stafford* through *Bridgford* and *Eccleshall* to *Ireland's Cross* near *Woore* in the County of *Salop*, and from *Bridgford* aforesaid to the Stone which divides the Liberty of *Ranton* and *Ellenhall* in the Road between *Bridgford* and *Newport*, and from the Village of *Knighton* to the Turnpike Road leading from *Stone* to *Woore* aforesaid.

- xxx. AN ACT for amending and improving the Road ~~from~~ the Town of *Stone* to *Goat Gate* in the Borough of *Stafford*, and from *Green Gate* in the said Borough, through *Danston* and *Penkridge*, to *Streetway Road* in the Road leading to *Wolverhampton* in the County of *Stafford*.
- xxxi. AN ACT for more effectually repairing and improving the Road from the City of *Norwich* to *North Walsham* in the County of *Norfolk*.
- xxxii. AN ACT for more effectually repairing the Road from *Stopham Bridge* in the Parish of *Pulborough* to the Direction Post in the Parish of *Steyning* on the Turnpike Road leading from *Steyning* to *Horsham* in the County of *Sussex*.
- xxxiii. AN ACT for more effectually repairing and improving the Road from *Liverpool* to *Preston* in the County Palatine of *Lancaster*.
- xxxiv. AN ACT for repairing and maintaining the Road from *Wakefield* to *Aberford* in the County of *York*.
- xxxv. AN ACT for more effectually repairing and improving the Roads from *Lansford Mills* in the Parish of *Bishop's Hatfield*, through *Welwyn* and *Stevenage*, to *Hitchin*, and from *Welwyn*, through *Codocot*, to *Hitchin* aforesaid, all in the County of *Hertford*.
- xxxvi. AN ACT for repairing, improving, and maintaining the Roads from *Bury* through *Hastingsden* to *Blackburn* and *Whalley*, and other Roads communicating therewith, in the County Palatine of *Lancaster*, and for making a new Piece of Road also to communicate therewith.
- xxxvii. AN ACT for more effectually repairing and improving the Road from the *Leicester* and *Welford* Road, near *Foston Lane*, to the Road leading from *Hinckley* to *Ashby-de-la-Zouch*; and for repairing *Hunt's Lane* and *Wood Lane*, in the Parishes of *Desford* and *Newbold* in the County of *Leicester*.
- xxxviii. AN ACT for more effectually repairing the Road from *Burton-upon-Trent* in the County of *Stafford* to *Abbott's Bromley*, otherwise *Bagot's Bromley*, in the said County.
- xl. AN ACT for making and maintaining a Turnpike Road from the City of *Coventry* to *Stoney Stanton* in the County of *Leicester*, to unite with the present Turnpike Road there leading through *Narborough* to the Borough of *Leicester*.
- xli. AN ACT for repairing the Road from the City of *Coventry* to *Over Whitacre* in the County of *Warwick*.
- xlii. AN ACT for more effectually repairing and maintaining the Road over *Harley Common* in the County of *Surrey* to a Place called *Black Corner*, and from thence to the *Brightelmston* Turnpike Road at *Cuckfield* in the County of *Sussex*.
- xliii. AN ACT for more effectually making and repairing the Road from the new Bridge over the Water of *Almond*, on the Confines of the Counties of *Edinburgh* and *Linlithgow*, to *Baillicton* in the County of *Lanark*, and certain Branch Roads connected therewith.
- xliv. AN ACT for improving the Road from the *Red House* near *Doncaster* to the South Side of *Wakefield Bridge*, and from *Wakefield* to *Pontefract*, and from thence to *Weeland*, and from *Pontefract* to *Wentbridge*, all in the West Riding of the County of *York*.
- xlv. AN ACT for repairing and maintaining the Road leading from the High Road between *Bromley* and *Farnborough* in the County of *Kent* to *Beggars Bush* in the Turnpike Road leading from *Tonbridge Wells* to *Maresfield* in the County of *Sussex*.
- xlvi. AN ACT for improving and maintaining several Roads leading to and from the Town of *Walsall* in the County of *Stafford*.
- xlvii. AN ACT for making a Turnpike Road from the North Side of the *Quarry House* in the Township of *Perry Barr* in the County of *Stafford* to the Brook which divides the Parishes of *Aston juxta Birmingham* and *Birmingham* in the County of *Warwick*. 



- xlviij. AN ACT to alter and amend the several Acts now in force for the assessing, collecting, and levying of County Rates, so far as the same relate to the County of *Middlesex*.
- xlix. AN ACT for better supplying with Water the several Hamlets of *Beard, Ollerret, Thorset,* and *Whittle*, in the Parish of *Glossop* in the County of *Derby*.
- l. AN ACT for making the River *Waveney* navigable for Ships and other Seaborne Vessels from *Rosehall Fleet* to the Mouth of *Oulton Dyke*; and for making and maintaining a navigable Cut from the said River at *Carlton Shores Mill* into the said Dyke leading to *Oulton Broad* in the County of *Suffolk*.
- li. AN ACT for amending and enlarging the Powers and Provisions of the several Acts relating to the *Liverpool* and *Manchester* Railway.
- lii. AN ACT for better supplying with Water the several Townships of *Hyde, Werneth,* and *Newton*, in the County Palatine of *Chester*.
- liii. AN ACT for embanking, draining, improving, and preserving certain Fen Lands and Low Grounds lying in the Parish of *Yasley* in the County of *Huntingdon*, called "The Undrained Fen."
- liv. AN ACT to enlarge and amend the Powers and Provisions of the several Acts relating to the *Birmingham* and *Liverpool* Junction Canal, and to better supply the said Canal with Water.
- lv. AN ACT to consolidate and extend the Powers and Provisions of the several Acts relating to the Navigation from the *Trent* to the *Mersey*.
- lvi. AN ACT for making and maintaining a Railway from the Borough of *Wigan* to the Borough of *Preston*, both in the County Palatine of *Lancaster*, and collateral Branches to communicate therewith.
- lvii. AN ACT for taking down the Parish Church of *Great Marlow* in the County of *Buckingham*, and for rebuilding the same on or near the present Site thereof.
- lviii. AN ACT for more effectually keeping in repair several Roads in the County of *Carmarthen*, usually called the *Llandovery* District of the *Lumpeter* Roads, and for making and maintaining certain new Lines of Road to communicate therewith.
- lix. AN ACT for more effectually keeping in repair the Roads from *Ludlowfach* to the Town of *Llandovery*, and from thence to the river *Amman* in the County of *Carmarthen*, and several other Roads in the said County communicating therewith, and for making new Branches of Road in the same County and in the County of *Glamorgan*.
- lx. AN ACT for maintaining the Road from *Enfield Chase* in the County of *Middlesex* to *Lemsford Mill* in the County of *Hertford*.
- lxi. AN ACT for maintaining and improving the Road from *Tichfield* to *Cosham* in the County of *Southampton*.
- lxii. AN ACT for more effectually repairing and improving the Roads called "The *Pucklechurch* or Lower District of Roads" in the Counties of *Gloucester* and *Wilts*.
- lxiii. AN ACT for repairing the Turnpike Road from the *Salutation Inn* to *Christian Malford Bridge* in the County of *Wilts*, called "The *Draycot* or Upper District;" and for disuniting the said Road from a certain other Road called "The *Pucklechurch* Lower District," in the County of *Gloucester*.
- lxiv. AN ACT for more effectually repairing and keeping in repair the Road from *Carltonic Bridge* on the River *Almond* to *Linlithgow Bridge* on the River *Avon*, and other Roads in the County of *Linlithgow*.
- lxv. AN ACT for more effectually repairing the Road from *Bishopsgate Bridge* in the City of *Norwich* to the *Caister Causeway* in the County of *Norfolk*.

- lxvi. AN ACT for more effectually repairing several Roads in and near the Town of *Bruton*, and other Roads in the Counties of *Somerset* and *Wills*, and for making and maintaining two other Roads communicating therewith.
- lxvii. AN ACT for more effectually repairing, widening, and otherwise improving the Road from the South-east End of the Town of *Loughborough* in the County of *Leicester*, commencing at *South Field Lane*, to the South End of *Cavendish Bridge* in the same County.
- lxviii. AN ACT for consolidating the Trusts of the several Turnpike Roads in the Neighbourhood of *Cheadle* in the County of *Stafford*, and for making Deviations and new Branches to and from the same.
- lxix. AN ACT to amend an Act of the Seventh and Eighth Years of His late Majesty, for the more effectually repairing and otherwise improving the Roads in the County of *Glamorgan*.
- lxx. AN ACT for more effectually repairing and improving the Roads from *Tunbridge Wells* in the County of *Kent* to the Cross Ways at or near *Maresfield Street*, and from *Florence Farm* to *Forest Row* in the County of *Sussex*.

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## PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN ACT for dividing, allotting, and inclosing Lands within the Parish of *Piddlehinton* in the County of *Dorset*.
2. AN ACT for inclosing Lands in the Parish of *Compton Bassett* in the County of *Wills*.
3. AN ACT for assisting the Dean and Chapter of the Cathedral and Metropolitan Church of *Christ, Canterbury*, to take down and rebuild the North-western Tower of the same Church.
4. AN ACT to enable the Right Reverend the Lord Bishop of *Worcester*, and his Successors, to grant Leases of certain Hereditaments belonging to the Episcopal See of *Worcester*, situate, arising, or growing within the Parish of *Ripple* in the County of *Worcester*.
5. AN ACT to effect an Exchange between the Chancellor, Masters, and Scholars of the University of *Cambridge*, and the Master, Fellows, and Scholars of the College or Hall of the *Holy Trinity* commonly called *Trinity Hall*, in the same University, of Lands situate in the Parish of *Saint Andrew the Less* in the Town of *Cambridge* in the County of *Cambridge*; and for authorizing the Removal of the present Botanic Garden of the said University to a new and more eligible Site; and for other Purposes.
6. AN ACT for rendering valid the Supplementary Award of the Commissioners under an Act of the Fifty-ninth Year of King *George* the Third, intituled *An Act for inclosing Lands in the Parish of Alvingham in the County of Lincoln*.
7. AN ACT for inclosing Lands in the Parish of *Milverton* in the County of *Somerset*.

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## PRIVATE ACTS,

NOT PRINTED.

8. AN ACT to relieve the Right Honourable *Robert Grosvenor* from certain Penalties incurred by sitting and voting in the House of Commons without having conformed to the Laws in such Case made and provided.
9. AN ACT for inclosing Lands within the Parish of *Maiden Newton* in the County of *Dorset*.
10. AN ACT for naturalizing *John Thomas Peniche*.

VOL. VIII. {Third Series}

(d)

A  
L I S T

OF

All the STATUTES passed in the FIRST Session of the  
TENTH Parliament of the United Kingdom of *Great Britain*  
and *Ireland*.

1° & 2° GUL. IV.

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PUBLIC GENERAL ACTS.

- I. **A**N ACT for repealing so much of an Act passed in the Seventh Year of His late Majesty King *George* the Fourth, for paving, lighting, watching, repairing, and otherwise improving *Grosvenor Place*, and other Streets therein mentioned, as relates to the Assessment of the Boundary Fence or Wall of the Garden belonging to *Buckingham House*.
- II. AN ACT to revive and continue expired Commissions, Appointments, Patents, and Grants in *Ireland*; and to indemnify certain Persons in relation thereto.
- III. AN ACT to indemnify Persons who have acted as Deputy Lieutenants in *Scotland* without due Qualification.
- IV. AN ACT to abolish certain Oaths and Affirmations taken and made in the Customs and Excise Departments of His Majesty's Revenue, and to substitute Declarations in lieu thereof.
- V. AN ACT to enable His Majesty to make Leases, Copies, and Grants of Offices, Lands and Hereditaments, Parcel of the Duchy of *Cornwall*, or annexed to the same.
- VI. AN ACT for continuing, until the Thirtieth Day of *June* One thousand eight hundred and thirty-two, the several Acts for regulating the Turnpike Roads in *Great Britain* which will expire at the End of the present Session of Parliament.
- VII. AN ACT to continue Compositions for Assessed Taxes until the Fifth Day of *April* One thousand eight hundred and thirty-three, and to grant Relief in certain Cases.
- VIII. AN ACT to suspend, until the End of the next Session of Parliament, the making of Lists, and the Ballots and Enrolments, for the Militia of the United Kingdom.
- IX. AN ACT to repeal so much of certain Acts as requires certain Oaths to be taken by Members of the House of Commons before the Lord Steward or his Deputies.
- X. AN ACT to reduce the Salary of the Master and Worker of His Majesty's Mint.
- XI. AN ACT for enabling His Majesty to make Provision for supporting the Royal Dignity of the Queen in case She shall survive His Majesty.

- XII. AN ACT** for ascertaining the Boundaries of the Forest of *Dean*, and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of *Saint Briavels*, and for other Purposes.
- XIII. AN ACT** to repeal an Act of the Nineteenth Year of King *George* the Third, for repealing so much of several Acts as prohibit the Growth and Produce of Tobacco in *Ireland*, and to permit the importation of Tobacco of the Growth and Produce of that Kingdom into *Great Britain*.
- XIV. AN ACT** for raising the Sum of Thirteen millions six hundred and sixteen thousand four hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and thirty-one.
- XV. AN ACT** to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; and to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia, until the Thirtieth Day of *June* One thousand eight hundred and thirty-two.
- XVI. AN ACT** to discontinue or alter the Duties of Customs upon Coals, Slates, Cotton, Wool, Barilla, and Wax.
- XVII. AN ACT** to provide for the better Order and Government of *Ireland*, by Lieutenants for the several Counties, Counties of Cities, and Counties of Towns therein.
- XVIII. AN ACT** for transferring the Duties of Receivers General of the Land and Assessed Taxes to Persons executing the Offices of Inspectors of Taxes, and for making other Provisions for the Receipt and Remittance of the said Taxes.
- XIX. AN ACT** to repeal the Duties of Excise and Drawbacks on Candles.
- XX. AN ACT** to enable His Majesty to grant an annual Sum to Her Royal Highness *Victoria Maria Louisa* Duchess of *Kent*, for a more adequate Provision for Her said Royal Highness, and for the honourable Support and Education of Her Royal Highness the Princess *Alexandrina Victoria* of *Kent*.
- XXI. AN ACT** to explain and amend Two Acts of the Thirty-fourth and Thirty-eighth Years of His Majesty King *George* the Third, so far as the same relate to Double Assessments of the Land Tax.
- XXII. AN ACT** to amend the Laws relating to Hackney Carriages, and to Waggon, Carts, and Drays, used in the Metropolis; and to place the Collection of the Duties on Hackney Carriages and on Hawkers and Pedlars in *England* under the Commissioners of Stamps.
- XXIII. AN ACT** to amend an Act of the Fourteenth Year of His Majesty King *George* the Third, for establishing a Fund towards defraying the Charges of the Administration of Justice and Support of the Civil Government within the Province of *Quebec* in *America*.
- XXIV. AN ACT** to amend several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts.
- XXV. AN ACT** to amend the Acts for regulating Turnpike Roads in *England*, so far as they relate to certain Exemptions from Toll.
- XXVI. AN ACT** to amend an Act of the Fifty-second Year of the Reign of His Majesty King *George* the Third, respecting the Audit of the Public Accounts of *Ireland*; and to appoint the Number of Commissioners competent to grant Quietus to Public Accountants, under an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, for consolidating the Public Revenues of *Great Britain* and *Ireland*.

- XXVII. AN ACT to enable the Treasurer of the County of *Clare* to issue his Warrants for the levying of the Presentments made at the Spring Assizes of the Year One thousand eight hundred and thirty-one.
- XXVIII. AN ACT to apply the Surplus of Ways and Means and a Sum out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-one.
- XXIX. AN ACT to authorize and empower the Commissioners appointed by an Act of the Seventh Year of His late Majesty King *George* the Fourth, for extending to *Charing Cross*, the *Strand*, and Places adjacent, the Powers of an Act for making a more convenient Communication from *Mary-le-bone Park*, to make and form a new Street from the *Strand* to *Charles Street*, *Covent Garden*, and to widen the North End of *Bow Street* into *Long Acre*; and for other Purposes.
- XXX. AN ACT to equalize the Duties on Wine.
- XXXI. AN ACT to improve the Administration of Justice in *Ireland*.
- XXXII. AN ACT to amend the Laws in *England* relative to Game.
- XXXIII. AN ACT for the Extension and Promotion of Public Works in *Ireland*.
- XXXIV. AN ACT for appointing Commissioners to continue the Enquiries concerning Charities in *England* and *Wales* for Two Years, and from thence to the End of the then next Session of Parliament.
- XXXV. AN ACT to explain and amend an Act for regulating the Receipt and future Appropriation of Fees and Emoluments receivable by Officers of the Superior Courts of Common Law.
- XXXVI. AN ACT to repeal several Acts and Parts of Acts prohibiting the Payment of Wages in Goods, or otherwise than in the current Coin of the Realm.
- XXXVII. AN ACT to prohibit the Payment, in certain Trades, of Wages in Goods, or otherwise than in the current Coin of the Realm.
- XXXVIII. AN ACT to amend and render more effectual an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, intituled *An Act to amend the Acts for building and promoting the building of additional Churches in populous Parishes*.
- XXXIX. AN ACT to repeal the Laws relating to Apprentices and other young Persons employed in Cotton Factories and in Cotton Mills, and to make further Provisions in lieu thereof.
- XL. AN ACT to repeal so much of an Act for the Management of the Customs as allows certain Fees to be taken by Officers of the Customs; and to make further Regulations in respect thereof.
- XLI. AN ACT for amending the Laws relative to the Appointment of Special Constables, and for the better Preservation of the Peace.
- XLII. AN ACT to amend an Act of the Fifty-ninth Year of His Majesty King *George* the Third, for the Relief and Employment of the Poor.
- XLIII. AN ACT for amending and making more effectual the Laws concerning Turnpike Roads in *Scotland*.
- XLIV. AN ACT to amend an Act passed in the Parliament of *Ireland*, in the Fifteenth and Sixteenth Years of the Reign of His Majesty King *George* the Third, intituled *An Act to prevent and punish tumultuous Risings of Persons within this Kingdom, and for other Purposes therein mentioned*.
- XLV. AN ACT to extend the Provisions of an Act passed in the Twenty-ninth Year of the

Reign of His Majesty King *Charles* the Second, intituled *An Act for confirming and perpetuating Augmentations made by Ecclesiastical Persons to small Vicarages and Curacies*; and for other Purposes.

**XLVI.** AN ACT to allow the Importation of Lumber, and of Fish and Provisions, Duty-free, into the Islands of *Barbadoes* and *Saint Vincent*; and to indemnify the Governors and others for having permitted the Importation of those Articles Duty-free.

**XLVII.** AN ACT to revive, for One Year, Three Acts made in the Forty-seventh and Fiftieth Years of the Reign of His Majesty King *George* the Third, and in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, for the preventing improper Persons from having Arms in *Ireland*, and to indemnify such Persons as may have acted in the Execution of and pursuant to the Provisions of the said Acts since the Expiration thereof.

**XLVIII.** AN ACT to amend an Act passed in the Parliament of *Ireland*, in the Fifth Year of His Majesty King *George* the Third, for establishing Public Hospitals in *Ireland*.

**XLIX.** AN ACT to repeal so much of an Act passed in *Ireland*, in the Fourth Year of King *George* the First, for the better regulating the Town of *Galway*, and for strengthening the Protestant Interest therein, as limits the Franchise created by the said Act to Protestants only.

**L.** AN ACT to enable the Commissioners of His Majesty's Treasury to make a Conveyance of *Fresh Wharf* in the City of *London*.

**LI.** AN ACT to amend an Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, for making Provision for the uniform Valuation of Lands and Tenements in the several Baronies, Parishes, and other Divisions of Counties in *Ireland*, for the Purpose of the more equally levying of the Rates and Charges upon the same.

**LII.** AN ACT to repeal an Act passed in the Fifty-second Year of the Reign of His Majesty King *George* the Third, to provide for the more speedy Examination, controlling, and finally auditing the Military Accounts of *Ireland*.

**LIII.** AN ACT to regulate the Payment of the Duties on Hops.

**LIV.** AN ACT to apply the Sum of One million eight hundred thousand Pounds out of the Consolidated Fund to the Service of the Year One thousand eight hundred and thirty-one; and to appropriate the Supplies granted in this Session of Parliament.

**LV.** AN ACT to consolidate and amend the Laws for suppressing the illicit making of Malt, and Distillation of Spirits in *Ireland*.

**LVI.** AN ACT to establish a Court in Bankruptcy.

**LVII.** AN ACT to empower Landed Proprietors in *Ireland* to sink, embank, and remove Obstructions in Rivers.

**LVIII.** AN ACT to enable Courts of Law to give Relief against adverse Claims made upon Persons having no Interest in the Subject of such Claims.

**LIX.** AN ACT to enable Churchwardens and Overseers to inclose Land belonging to the Crown for the Benefit of poor Persons residing in the Parish in which such Crown Land is situated.

**LX.** AN ACT for the better Regulation of Vestries, and for the Appointment of Auditors of Accounts, in certain Parishes of *England* and *Wales*.

## LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

- i. **AN ACT** for erecting and maintaining a Pier and other Works for the more conveniently landing and embarking Passengers in the Port of the Town of *Southampton*.
- ii. **AN ACT** for erecting and maintaining a Bridge over the River *Lagan*, at *Belfast*; and for making suitable Approaches thereto.
- iii. **AN ACT** for the Establishment of a Chapel of Ease, to be called *Grosvenor Chapel*, in the Parish of *Saint George Hanover Square* in the County of *Middlesex*, and for providing for the Maintenance of the said Chapel, and a Stipend for the Minister thereof.
- iv. **AN ACT** for settling disputed Rights respecting Tithes within the Parish of *Ashton-under-Lyne* in the County Palatine of *Lancaster*, and for fixing certain annual Payments in lieu thereof.
- v. **AN ACT** for better raising and securing the Fund established for making Provision for the Widows of the Writers to His Majesty's Signet in *Scotland*.
- vi. **AN ACT** to amend an Act for vesting and securing to *John Stephen Langton*, Esquire certain Profits and Emoluments for a limited Time.
- vii. **AN ACT** to enable the *Yorkshire Fire and Life Insurance Company* to sue and be sued in the Name of their Secretary, or of any One of the Directors of the said Company.
- viii. **AN ACT** to amend certain Acts passed in the Reign of His late Majesty King *George the Fourth*, for opening a Street from the Cross of *Glasgow* to *Monteith Row*.
- ix. **AN ACT** to alter and amend an Act passed in the Sixth Year of the Reign of His late Majesty King *George the Fourth*, for regulating the Conversion of the Statute Labour within the Barony of *Gorbals* in the City of *Glasgow* and County of *Lanark*.
- x. **AN ACT** to amend and extend the Powers of an Act for recovering, draining, and preserving certain Lands; and for better supplying with Water the Mills, Manufactories, and other Works situated on the River *Leven*, in the Counties of *Kinross* and *Fife*.
- xi. **AN ACT** to amend and enlarge the several Acts relating to the *Bolton and Leigh Railway*
- xii. **AN ACT** to alter the Line of the *Avon and Gloucester Railway*, to make certain Branches from the same, and to amend the Act for making the said Railway.
- xiii. **AN ACT** for making a Turnpike Road (with a Branch therefrom) from the *Angel Inn*, near *Darlington* in the County of *Durham*, to *Barton Lane End* in the County of *York*.
- xiv. **AN ACT** for more effectually repairing the Road from *Norwich* to *Cromer* in the County of *Norfolk*, and Two Branches of Road leading towards *Holt* and towards *Wollerton* in the said County.
- xv. **AN ACT** for repairing and improving the Road from *Doncaster*, through *Ferrybridge*, to the South Side of *Tadcaster Cross*, in the West Riding of the County of *York*.
- xvi. **AN ACT** for more effectually repairing and improving several Roads leading into and from the Town of *Cheltenham* in the County of *Gloucester*, and for making new Branches of Roads to communicate therewith.
- xvii. **AN ACT** for making and maintaining a Road from *Thornset* in the County of *Derby* to *Furnace Colliery* within *Disley* in the County of *Chester*, and Two several Branches therefrom.

- xviii.** AN ACT for more effectually repairing and improving several Roads therein mentioned, leading to, through, and from the Town of *Monmouth*, and for making several new Lines and Diversions of Road to communicate therewith, in the Counties of *Monmouth*, *Gloucester*, and *Hereford*.
- xix.** AN ACT for repairing the Road from the Bridge on the old River at *Barton* to *Brundon Bridge* in the County of *Suffolk*.
- xx.** AN ACT for more effectually repairing and otherwise improving the several Roads from the South Gate in the Borough of *King's Lynn* into the Parishes of *East Walton*, *Narborough*, *Stoke Ferry*, and *Downham Market*, in the County of *Norfolk*.
- xxi.** AN ACT for more effectually repairing the Roads from the Borough of *King's Lynn*, and other Roads therein mentioned, and for making a new Line of Road at *Castle Rising*, all in the County of *Norfolk*.
- xxii.** AN ACT for more effectually repairing and improving the Road between the City of *Durham* and the Village of *Shotley Bridge* in the County of *Durham*.
- xxiii.** AN ACT for consolidating the Trusts of certain Roads called the *Breamish* and *Wooler* Turnpike Roads, in the County of *Northumberland*, and for more effectually improving and maintaining the same.
- xxiv.** AN ACT for more effectually maintaining and improving the Road from *Soho Hill* in the Parish of *Handsworth* to the *Walsall* Road on the Northern Side of *Hamstead Bridge*, and another Road from *Brown's Green* to the *Friary*, in the County of *Stafford*.
- xxv.** AN ACT for repairing and improving certain Roads in the Counties of *Stafford* and *Salop*, leading to and from the Town of *Wolverhampton* in the County of *Stafford*.
- xxvi.** AN ACT for more effectually repairing certain Roads leading to and from the Town of *Abergavenny* in the County of *Monmouth*, and for making and maintaining several new Branches of Road to communicate therewith.
- xxvii.** AN ACT for making and maintaining a Road from the Bottom of *Kirkgate* to the Bottom of *Westgate*, both in the Parish of *Wakefield* in the West Riding of the County of *York*.
- xxviii.** AN ACT to amend an Act of His late Majesty King *George* the Fourth, for more effectually maintaining the Road from *Teignmouth* to *Dawlish*, and for making Roads from *Dawlish* to the *Exeter* Turnpike Roads, together with a Road from *Southton* to *Chudleigh*, and certain Branches communicating with the same, all in the County of *Devon*; and to make and maintain other Roads communicating with the said Roads.
- xxix.** AN ACT for more effectually repairing, amending, and improving the Roads from *Liverpool* to *Prescot*, *Ashton*, and *Warrington*, in the County Palatine of *Lancaster*.
- xxx.** AN ACT to continue and amend an Act of the Fifth Year of His late Majesty, for repairing the Roads from *Durweston Bridge* to *Cumldale Bishop*, and other Roads, in the Counties of *Dorset* and *Somerset*, so far as relates to the *Valc of Blackmoor* Turnpike Roads.
- xxxi.** AN ACT for making and maintaining a Turnpike Road from the South End of *Misford Bridge*, in the Parish of *Tedburn Saint Mary*, to *Chudleigh Bridge*, and from *Crockham Bridge* to the *Exeter* Turnpike Road in *Chudleigh*, all in the County of *Devon*.
- xxxii.** AN ACT for amending certain Roads in the County of *Somerset*, and for placing them and other Roads, under the Care and Management of the Trustees of the *Langport*, *Somerton*, and *Castle Cary* Roads.
- xxxiii.** AN ACT to enable the Justices of the Peace for the Three Divisions of the County of *Lincoln* to purchase the Site of *Lincoln Castle*; and to empower the Court of Gaol Sessions



for the said County to maintain and support the Judge's House, County Hall, and Courts of Assize ; and for other Purposes affecting the County at large.

xxxiv. AN ACT for improving, repairing, and maintaining the Harbours of the Burgh of *Rothesay* in the County of *Bute*, and for building and maintaining a Gaol, Court House, and Offices for the said Burgh and County.

xxxv. AN ACT for making and maintaining a Railway from *Rutherglen Green* to *Wellshot* in the County of *Lanark*.

xxxvi. AN ACT for draining and improving certain Low Lands situate within the several Townships of *Norton*, *Campsall*, *Askren*, *Moss*, *Fenwick*, *Little Smeaton*, *Stubbs Walden*, *Womersley*, *Whitley*, *Baln*, *Pollington*, *Snaith* and *Cowick*, and *Sykehouse*, in the several Parishes of *Campsall*, *Womersley*, *Kellington*, *Snaith*, and *Fishlake*, all in the West Riding of the County of *York*.

xxxvii. AN ACT for maintaining the Road from *Wakefield* to *Austerlands* in the West Riding of the County of *York*.

xxxviii. AN ACT for making and repairing certain Roads leading across the County of *Stirling*, and other Roads in the said County.

xxxix. AN ACT to amend an Act for more effectually repairing and improving the Road from *Wendover* to the Town of *Buckingham* in the County of *Buckingham*.

xl. AN ACT for improving and maintaining the Road from the South Side of a Bridge over the River *Calne*, called *Engine Bridge*, in the Township of *Huddersfield* in the West Riding of the County of *York*, to *Woodhead* in the County Palatine of *Chester*, and from thence to a Bridge over the River *Mersey*, called *Enterclough Bridge*, on the Confines of the County of *Derby*.

xli. AN ACT for more effectually repairing and improving certain Roads leading to and from the Town of *Cirencester* in the County of *Gloucester*, and *Wootton Bassett* in the County of *Wilts*.

xl.ii. AN ACT to continue and amend an Act for more effectually repairing several Roads in and through His Majesty's Forest of *Dean* in the County of *Gloucester* ; and to convert certain Highways in the Parishes of *Staunton* and *Newland* in the said County into Turnpike Roads.

xl.iii. AN ACT for repairing the Road from the Town of *Wisbeach* in the *Isle of Ely* in the County of *Cambridge* to the Town of *Thorney* in the same Isle and County.

xl.iv. AN ACT for improving and maintaining the Road from *Ludlow* in the County of *Salop*, through *Woofferton* and *Little Hereford*, to *Monk's Bridge* in the said County, and also from *Ludlow* to *Orleton* in the County of *Hcreford*.

xl.v. AN ACT to alter and amend an Act passed in the Seventh and Eighth Year of the Reign of His late Majesty, intituled *An Act for carrying into effect certain Improvements within the City of Edinburgh, and adjacent to the same*.

xl.vi. AN ACT for extending the Royalty of the Burgh of *Dundee*, and for amending the Sett or Municipal Constitution of the said Burgh.

xl.vii. AN ACT for repealing, altering, enlarging, and amending certain Provisions of an Act passed in the Fifty-sixth Year of the Reign of His late Majesty King *George the Third*, intituled *An Act for the Incorporation of the Highland Society of London, for the better Management of the Funds of the Society, and for rendering its Exertions more extensive and beneficial to the Public*.

xl.viii. AN ACT for erecting a County Hall and Courts of Justice, and also for providing accommodation for His Majesty's Justices of Assize, in and for the County of *Worcester*.

- xlix. AN ACT for endowing a Church called *Saint Bridgett*, in the Parish of *Liverpool* in the County Palatine of *Lancaster*.
- l. AN ACT for extinguishing Tithes, and customary Payments in lieu of Tithes, within the Parish of *Llanelly* in the County of *Carmarthen*, and for making Compensation in lieu thereof.
- li. AN ACT for the better Management of the Poor in the several Parishes and Hamlets in the City of *Norwich* and County of the same City.
- lii. AN ACT to consolidate and amend the several Acts for making the *West India Docks*.
- liii. AN ACT for granting certain Powers to a Company called "The General Steam Navigation Company."
- liv. AN ACT to amend and enlarge the Powers of an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Navigable Cut or Canal from Lough Corrib to the Bay of Galway, and for the Improvement of the Harbour of Galway*.
- lv. AN ACT for the further Improvement of the Port and Harbour of *Belfast* in *Ireland*, and for other Purposes.
- lvi. AN ACT to amend the several Acts for making and maintaining the *Ulster Canal* in the Counties of *Fermanagh* and *Armagh*.
- lvii. AN ACT for inclosing, draining, and warping Lands within the Townships or Hamlets of *Frodingham*, *Scunthorpe*, and *Gunhouse* (otherwise *Gunnas*), all in the Parish of *Frodingham* in the County of *Lincoln*.
- lviii. AN ACT for amending an Act passed in the Eleventh Year of the Reign of His late Majesty King *George* the Fourth, for making and maintaining a Railway from the Lands of *Polloc* and *Govan* to the River *Clyde*; and to alter and extend the Powers of the Company of Proprietors of the said Railway.
- lix. AN ACT for making a Railway from *Manchester* in the County Palatine of *Lancaster* to *Sheffield* in the West Riding of the County of *York*.
- lx. AN ACT to enable the Company of Proprietors of the Canal Navigation from *Manchester* to *Bolton* and to *Bury* to make and maintain a Railway from *Manchester* to *Bolton* and to *Bury* in the County Palatine of *Lancaster*, upon or near the Line of the said Canal Navigation, and to make and maintain a Collateral Branch to communicate therewith.
- lxi. AN ACT for more effectually making, amending, widening, repairing, and keeping in repair certain Roads in the County of *Forfar*.
- lxii. AN ACT to amend an Act of His late Majesty King *George* the Fourth, for repairing the several Roads leading to and from the City of *Exeter*, and for making certain new Lines of Road to communicate with the same, and for keeping in repair *Exe Bridge* and *Countess Wear Bridge*; and to make and maintain other Roads communicating with the said Roads.
- lxiii. AN ACT for more effectually repairing the Road from *Aylesbury* in the County of *Buckingham* to *Hockliffe* in the County of *Bedford*.
- lxiv. AN ACT for the more effectually repairing and otherwise improving the Road from *Sunderland* near the Sea, in the County of *Durham*, to the City of *Durham*.
- lxv. AN ACT for repairing and improving the several Roads within the *Kidwelly* District of Roads in the County of *Carmarthen*, and for making new Lines of Road within the said District, and building a Bridge across the River *Lloughor* at *Spitty Bank*, and a Bridge or Embankment across the River *Gwendraith Faur* at the Ford.
- lxvi. AN ACT for better repairing and improving several Roads leading to and from the Town of *Frome* in the County of *Somerset*.

- lxvii. AN ACT for better regulating the Poor within the Parish of *Birmingham* in the County of *Warwick*; and for empowering the Guardians of the Poor to grant Building Leases of certain Lands vested in them, or otherwise to sell and dispose of the same, and to apply the Monies to arise therefrom in the Enlargement or rebuilding of the present Workhouse; and for other Purposes.
- lxviii. AN ACT to alter and amend the several Acts for making navigable the River *Kennet* in the County of *Berks*.
- lxix. AN ACT for making and maintaining a Railroad from *Westland Row* in the City of *Dublin* to the Head of the Western Pier of the Royal Harbour of *Kingstown* in the County of *Dublin*, with Branches to communicate therewith.
- lxx. AN ACT for repairing and improving the Mail Coach Road through the County of *Tyrone*.
- lxxi. AN ACT for more effectually making and repairing certain Roads in the Counties of *Fife*, *Kinross*, *Perth*, and *Clackmanan*.
- lxxii. AN ACT for more effectually repairing the Road from *North Shields* in the County of *Northumberland* to the Town of *Newcastle upon Tyne*, and certain Branches communicating therewith; and also for making and repairing additional Branches of Road.
- lxxiii. AN ACT to alter, amend, and enlarge the Powers of the several Acts now in force relating to the new River or Cut from *Eau Brink* to *King's Lynn* in the County of *Norfolk*, called the *Eau Brink* Cut; and to raise further Funds for carrying the said Acts into execution.
- lxxiv. AN ACT for more effectually improving the Road from the *Pondyards* in the County of *Hertford* to the Town of *Chipping Barnet* in the same County.
- lxxv. AN ACT to repeal in part an Act passed in the Parliament of *Ireland* in the Thirty-second Year of the Reign of King *George the Third*, relating to a Portion of the Lands of *Ballinaspeg*, near the City of *Cork*, belonging to the See of *Cork*; and to enable the Bishops of that See to demise the same, under certain Restrictions.
- lxxvi. AN ACT for regulating the Vend and Delivery of Coals in the Cities of *London* and *Westminster*, and in certain Parts of the Counties of *Middlesex*, *Surrey*, *Kent*, *Essex*, *Hertfordshire*, *Buckinghamshire*, and *Berkshire*.

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## PRIVATE ACTS,

PRINTED BY THE KING'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN ACT to effect an Exchange of Lands between *Harriet Averina Brunetta Herbert*, an infant Ward of the Court of Chancery, and *John Edwards*, Esquire.
2. AN ACT to empower the Judges of the Court of Session in *Scotland* to take an Account of the Debts and Burdens affecting and that may be made to affect the Entailed Estate of *Crieve*, and others, in the Counties of *Dumfries* and *Roxburgh*, and to sell such Part of the said Estate as may be sufficient to discharge the said Debts and Burdens; and likewise for settling and securing the Lands and Estate of *Murrayfield*, and others, in the said County of *Dumfries*, to and in favour of *Thomas Beattie* of *Crieve*, Esquire, and the Series of Heirs

- entitled to take by a certain Deed of Entail made by *Thomas Beattie of Crieve*, Esquire, now deceased, and under the Conditions and Limitations contained in the said Deed; and for vesting in lieu thereof certain Parts of the Estate of *Crieve* in the said *Thomas Beattie*, Esquire, and his Heirs and Assigns, in Fee Simple.
3. AN ACT to enable the Most Noble *Alexander Duke of Hamilton and Brandon*, and the Heirs of Entail of the Lands and Barony of *Kinnell*, in the Shire of *Linlithgow*, to charge the Sleafches or Land to be gained from the Sea opposite the said Barony with the Expenses laid out in gaining the same.
  4. AN ACT to effect an Exchange of Estates in the County of *Hereford* between *William Proece*, Esquire and the Dean and Canons of *Windsor*.
  5. AN ACT to empower the Judges of the Court of Session in *Scotland* to sell such Part of the Entailed Lands and Barony of *West Nisbet* in the County of *Berwick*, now belonging to *Charles Carr* Lord *Sinclair*, as shall be sufficient for Payment of the Provisions, Debts, and Incumbrances affecting the same.
  6. AN ACT for inclosing Lands in the Hamlet of *Langley* in the Parish of *Claverdon* in the County of *Warwick*.
  7. AN ACT for inclosing Lands in the several Parishes of *Hatton*, *Haseley*, and *Wroshall* in the County of *Warwick*.
  8. AN ACT for inclosing Lands in the Parish of *Rothbury* in the County of *Northumberland*.
  9. AN ACT for inclosing Lands within the Townships or Divisions of *Hugill*, *Appletreweite*, and *Troutbeck*, in the Parishes of *Kirkby-in-Kendal* and *Windermere*, in the County of *Westmorland*.
  10. AN ACT for enabling the Trustee under the Will of *Henry Brown* deceased to sell certain Shares in the *Leeds* and *Liverpool* Canal Navigation, and a Share in the *Liverpool* Theatre, and certain Bonds from the *Liverpool* Dock Trustees, and of a certain Sum due on Bond from the Corporation of *Liverpool*, and to apply the Money arising therefrom in repairing, pulling down, and rebuilding certain Houses in *Paradise Street* in the Town of *Liverpool* aforesaid; and for other the Purposes in this Act mentioned.
  11. AN ACT for enabling the Mayor, Bailiffs, and Commonalty of the City of *Exeter* to sell Two Houses in the Parish of *Saint Stephen's*, *Exeter*, vested in them, and to purchase other Estates for the Performance of the charitable Purposes of the Will of *Joan Tuckfield*.
  12. AN ACT for vesting the undivided Moieties of certain Estates of *Nathaniel Cameron*, Esquire and *Latitia Pryce* his Wife, in the County of *Glamorgan*, in Trustees, in Trust to sell, under the Directions of the High Court of Chancery, and to apply the Money to arise from such Sales in the Manner therein mentioned.
  13. AN ACT to exonerate the Trustees of *Richard Oswald* of *Auchincruive*, Esquire, for Advances of Money made by them to *Richard Alexander Oswald*, Esquire, now of *Auchincruive*, and applied in executing Improvements, as well upon the Entailed Estates left by the said *Richard Oswald* as the Fee Simple Estates acquired by the said Trustees, and partly entailed by them; and to enable the said Trustees to discharge a Part of the Debts incurred by the said *Richard Alexander Oswald* in improving the said Estates.
  14. AN ACT for vesting the Entailed Estates of *Abercainry*, and others, in the County of *Perth*, belonging to *James Moray of Abercainry*, Esquire, in Trustees, to sell the same or so much thereof as may be necessary, and to apply the Price arising therefrom in the Payment of the Debts affecting or that may be made to affect the said Lands and Estates.
  15. AN ACT for exchanging Part of the Freehold Estates devised by the Will of *Beilby Thompson*, Esquire for Freehold Lands devised by the Will of *Mrs. Dorothy Wilson* to Trus-

tees for charitable Purposes; and for amending an Act passed in the Third Year of His late Majesty King *George the Fourth*, intituled *An Act for empowering Trustees to sell and convey Part of the Freehold and Copyhold Estates in the County of York devised by the Will of Beilby Thompson, Esquire, deceased, and Part of the Freehold Estates in the same County devised by the Will of Richard Thompson, Esquire, deceased; and for laying out the Money arising from such Sales respectively, under the Direction of the High Court of Chancery, in the Purchase of other Estates, to be settled to the same Uses.*

16. AN ACT for vesting an undivided Moiety of a Freehold Estate in *Liverpool* in the County Palatine of *Lancaster*, late the Property of *William Orford*, Esquire, deceased, in Trustees, for Sale, and for investing the Proceeds of such Sale for the Benefit of his infant Son and Heir at Law.
17. AN ACT to enable the Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King *Edward the Sixth*, in *Birmingham* in the County of *Warwick*, to erect a School-house, Masters Houses, and other suitable Accommodations for the said School, and to extend the Objects of the Charity; and for other Purposes.
18. AN ACT for inclosing Lands in the Parish of *Woolvercot* in the County of *Oxford*, and for commuting the Tithes of the said Parish.
19. AN ACT for vesting certain detached Portions of the Lands and Estates entailed by the deceased *John Buchanan*, Esquire, of *Carbeth* in the County of *Stirling*, in Trustees, to sell the same, and to apply the Price arising therefrom in the Purchase of other Lands near to the Mansion House of *Carbeth* and the Remainder of the said Entailed Lands.
20. AN ACT to effect a Partltion of certain Freehold, Copyhold or Customary, and Leasehold Estates in the County of *Lincoln*, late the Property of the Right Honourable Sir *Joseph Banks*, Baronet, deceased.
21. AN ACT for vesting in Trustees a legal Estate, which on the Death of *Joseph Crewe* escheated to His Majesty and the Lord Bishop of *Bangor*, in an undivided Third Part of certain Hereditaments in the County of *Denbigh*, in order to effect a Partition directed by the Court of Chancery.
22. AN ACT for effectuating a Partition of Estates belonging to the Most Honourable *John Crichton Stuart* Marquess of *Bute* and Earl of *Dumfries* and the Most Honourable *Maria* Marchioness of *Bute* and Countess of *Dumfries*, and their Trustees, and to the Right Honourable Lady *Susan North*, and to the Right Honourable Lady *Georgina North*; and for other Purposes.

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## PRIVATE ACTS,

### NOT PRINTED.

23. AN ACT for inclosing the several Open Common Fields, Mesne Inclosures, Ings, Common or Stinted Pastures, and Balks within the Manor and Township of *Ferrybridge* otherwise *Ferryfryston* in the West Riding of the County of *York*.
24. AN ACT to dissolve the Marriage of *Charles Trower*, Esquire with *Amelia Catherine Trower* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
25. AN ACT to enable *Joseph Chamberlayne Wilkinson Ackerley* otherwise *Acherley*, of the Town and County of the Town of *Southampton*, Esquire, to lay down and for ever cease to use the Surnames of *Wilkinson* and *Ackerley* otherwise *Acherley*, and to take the Name of *Chamberlayne* only, and bear the Arms of *Chamberlayne* quarterly with his own Family Arms, pursuant to the Will of his late Maternal Uncle *Edmund John Chamberlayne*, Esquire, deceased,

26. AN ACT to enable *John Surman Goodlake* to take and use the Surname of *Surman*, pursuant to the Provisions of the Will of *John Surman*, late of *Swindon* in the County of *Gloucester*, Gentleman, deceased.
27. AN ACT for naturalizing *Peter Hubert Desvignes* and *George Desvignes*.
28. AN ACT for naturalizing *Bernhard Hebler*.
29. AN ACT for naturalizing *Custodio Pereira de Carvalho*.
30. AN ACT for vesting certain Parts of the devised Estates of *Thomas Bradshaw Isherwood*, Esquire, deceased, in Trustees, in Trust to be sold or demised for the Purposes therein mentioned.
31. AN ACT to enable *Wenman Langham Watson*, Esquire, and his Issue Male, to take the Surname and use the Arms of *Sumwell*, pursuant to the Will of Sir *Thomas Sannoell*, Baronet, deceased.
32. AN ACT for naturalizing *Charles Francis Ramié*.
33. AN ACT for naturalizing *Edoard Henry Levyssohn*.
34. AN ACT to dissolve the Marriage of *Samuel Le Feuvre* otherwise *Le Fevre*, Esquire with *Mary* his now Wife, and to enable him to marry again ; and for other Purposes.
35. AN ACT to dissolve the Marriage of *Louisa Turton* with *Thomas Edoard Mitchell Turton* her now Husband, and to enable the said *Louisa Turton* to marry again ; and for other Purposes therein mentioned.
36. AN ACT to dissolve the Marriage of *Hugh Kinnaird*, Esquire with *Ann* his now Wife, and to enable him to marry again ; and for other Purposes.
37. AN ACT for naturalizing *Herman Hinrich Flathmann*.
38. AN ACT for naturalizing *Christian Etzerodt*.

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# GENERAL INDEXES

TO

VOLUMES IV, V, VI, VII, & VIII (*THIRD SERIES*) SESSION 1831,

( *Fifth Volume of the Session* )

OF

HANSARD'S PARLIAMENTARY DEBATES.

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